



An
Coimisiún
Pleanála

Inspector's Report ACP-323722-25

Development	4 No. 1 bed apartments & 2 No. 2 bed apartments over 3 storeys with penthouse to top floor. 1 no. Retail/commercial unit, and all site works.
Location	Site at Mill Lane, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560433
Applicant	HX Properties Limited
Type of Application	Planning Permission.
Planning Authority Decision	Grant Planning Permission with Conditions.
Type of Appeal	Third Party Appeal
Appellant	John A. Hopkins
Observers	None
Date of Site Inspection	13 January 2026
Inspector	Sinéad O'Connor

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1.0 Site Location and Description

- 1.1. The site of 0.025 hectares (ha) is located in Bray Town Centre, to the west of the junction of Mill Lane and Main Street. The site is situated to the south of the River Dargle and is separated from the river by Mill Lane.
- 1.2. To the north the site has circa 20 metres of frontage onto Mill Lane and to the south the site adjoins the lands of the Cornerstone Church (A Protected Structure Ref. B49, referred to as St. Paul's Church). To the east the site adjoins the 2- and 3-storey mixed use building at 116 Main Street. To the west is a single storey car repair garage and associated storage (Portacabin).
- 1.3. The site is within 50 metres of the Cornerstone Church Bus Stop (Stop ID 4153), for buses travelling north, and within 70 metres of Cornerstone Church Bus Stop (Stop ID 7294), for buses travelling south. The site is within 650 metres of Bray Train Station, that is served by DART and intercity services.
- 1.4. The site is roughly rectangular in shape and is overgrown with trees and scrub vegetation. The northern boundary of the site is defined by a wall with hoarding above. The ground level of the site is circa 1.6 metres above the level of the adjoining public footpath and rises up towards the southern boundary. The subject site is significantly lower than the lands of the church to the south. The site does not have an existing pedestrian or vehicular access point and was not accessible at the time of my site visit.
- 1.5. I note that there is a 1st floor window at the eastern façade of No. 116 Main Street that immediately overlooks the subject site.
- 1.6. During the site visit I tried view the subject site from the adjoining church to the south, but the church gates were securely locked and I couldn't gain access.

2.0 Proposed Development

- 2.1. The proposed development as submitted comprises a 4-storey building with a commercial unit (48 sqm), 4 no. 1-bedroom apartments and 2 no. 2-bedroom apartments. Each proposed apartment has a balcony on the northern façade, and the 2 no. apartments at 1st floor level also have private open space at the southern façade. The stated gross floor space of the development is 575 sqm.

- 2.2. The proposed building has a modern design and a simple palette of materials including render, glazing, and brushed aluminium. The building is part 3- and 4-storeys in height. On the top floor there is 1 no. apartment, which is set back from the front façade and the western side of the building. The remaining flat roof section will not be accessible to residents. At its highest point the building is 12 metres tall and sits below the ridge height of the adjoining building to the east.
- 2.3. The proposed development has a residential density of 236 units per ha and a site coverage of circa 80%. It is proposed to partially build the development into the slope of the site such that the southern side of the ground floor is underground. Above ground floor level, it is proposed to provide an 8-metre-tall retaining wall at the southern boundary of the site. This retaining wall is circa 3.4 metres from the southern façade of the building. The proposed development is 1.3 metres from the eastern site boundary and the adjoining building at No. 116 Main Street. The proposed development immediately adjoins the western and northern site boundaries.
- 2.4. There are no car parking spaces or communal open spaces proposed within the subject site or as part of the proposed development. At Further Information, the development was amended to include a bin marshalling area on the public road.
- 2.5. It is proposed to connect the proposed development to public potable, surface and foul water infrastructure located at Mill Lane.
- 2.6. I note that there are some inaccuracies in Drawing No. 04/2025/FI-04 'Proposed Floor Plans' submitted to the PA 08 August 2025 in respect of the floor areas of units no. 02 and 04, the aggregate kitchen/living area in no. 03, the balcony areas of no. 03 and 05, and the storage in unit no. 01. The drawings also do not quantify the private open spaces proposed on the southern façade of units no. 02 and 03. These inaccuracies are relatively minor in nature and have not inhibited my assessment of the proposed development.
- 2.7. For clarity and for reference, the table below contains further details of the proposed units as per Drawing No. 04/2025/FI-04 'Proposed Floor Plans'. Where my measurements are different from those stated in the drawings, I have included these in brackets.

Unit	Floor	Total Area	No. Bed	Aggregate Living/ Dining/Kitchen	Storage	Private Open Space
Commercial	G.F.	48 sqm	-	-	-	-
01	G.F.	46.5 sqm	1	24.6 sqm	3.2 sqm (3 sqm)	5.4 sqm
02	1st	46.5 sqm (50 sqm)	1	24.6 sqm (26 sqm)	3.2 sqm	5.4 sqm (14.1 sqm)
03	1st	74.7 sqm	2	30.14 sqm (31.5 sqm)	6.1 sqm	7.2 sqm (20.2 sqm)
04	2nd	46.5 sqm (50 sqm)	1	24.6 sqm (26 sqm)	3.2 sqm	5.4 sqm
05	2nd	74.7 sqm	2	30.14 sqm	6.1 sqm (7 sqm)	7.2 sqm (6.75 sqm)
06	3rd	46.5 sqm	1	24.6 sqm	3.2 sqm	5.4 sqm

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 29 August 2025 Wicklow County Council issued a notification of their decision to grant planning permission for the proposed development subject to 13 no. conditions. I consider that the following conditions are notable:

- Condition 3: The first owner/occupiers of the apartments shall not be a corporate entity.
- Condition 4. Details of the proposed works to the existing car parking spaces to provide a 2.5m x 2.5m bin store on Mill Road shall be agreed in writing with the Municipal District Engineer (Bray).

- Condition 5. A Construction Management Plan and Demolition Waste Management Plan shall be agreed in writing with the PA.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 29 July 2025 assessed the proposed development with reference to the Development Plan, relevant Guidelines, the internal reports, and submissions from prescribed bodies discussed in Section 3.3 of this report. I consider that the following matters raised in this Planners Report are of relevance:

- The principle of a ground for commercial unit with residential units above is acceptable.
- The proposed plot ratio of 2.0 and residential density of 236 units per ha is acceptable with reference to the scale of the development and the pattern of surrounding development.
- The design and scale of the development is similar to that permitted under **Reg. Ref. 23/238** (3 no. 3-storey townhouses above a ground floor office). The proposed building maintains the roof height of the adjoining building. The design and scale is considered acceptable.
- The internal design of the apartments accords with the Planning Design Standards for Apartments (2025).
- The proposed floor to ceiling heights are acceptable.
- The lack of communal amenity space is acceptable with reference to the infill nature of the site, its small size, and its proximity to existing parks.
- The lack of car parking is acceptable owing to the town centre location, existing public transportation, and the proximity of public on-street car parking.
- The proposed retail/commercial unit is a suitable size and has an acceptable design.
- The proposed development would not have negative impacts on surrounding residents.

- Issues raised in respect of the quality of the road surface on Mill Lane are not relevant to the proposed development.
- Issues raised in respect of traffic impacts are not relevant as no car parking is proposed.
- Concerns in respect of the operational phase can be addressed by condition.
- No archaeological material or features were uncovered during the site assessments; therefore, no archaeological recommendations are required.

The PA report recommended that Further Information (FI) be sought from the applicant. On the 29 July 2025 the PA issued a request for 2 no. items of Further Information (FI). In summary;

- Item 1(i) and (ii): Submit an engineer's report to clarify that the proposed development will not obstruct the existing window and rainwater goods serving no. 116 Main Street, and that the works will not undermine the structural integrity of this adjoining building.
- Item 2 (i): Clarity is required in respect of the bins to serve the proposed commercial unit.
- Item 2 (ii): Confirmation as to where the bins serving the proposed development will be placed on bin collection day, with particular reference to impacts on the public footpath and on-street car parking spaces.

3.2.2. The applicant submitted the response to the FI request on 08 August 2025.

3.2.3. The Planning Report dated 29 August 2025 provides an assessment of the FI submitted and found it to be generally acceptable. I consider that the following matters raised are of relevance.

- The 1.3 metre separation between the proposed development and the western elevation of No. 116 Main Street is sufficient to enable maintenance of this property. The window and guttering at No. 116 will remain unaffected by the works.
- The 1.3 metre separation allows for the retention of the existing foundations of No. 116 and the surrounding ground materials.

- The building at No. 116 extends up to the building line, therefore, persons undertaking works at No. 116 would need to enter the subject site. This is a civil matter, and not within the remit of the PA.
- In respect of concerns raised regarding the impacts of vibration on adjoining structures, the applicant's proposal to undertake the proposed works in accordance with the Civil Engineer's Method Statement is acceptable.
- Issues raised in respect of the postcode given in the submitted documentation are minor and would not mislead the public. It is stated that the submitted maps are clear and concise, and that the error would not be of a scale to invalidate the application.
- The provision of 2 no. commercial bins to serve the proposed commercial unit is acceptable.
- The proposal to move the existing on-street car parking spaces to provide a designated white box for bins is acceptable.

3.2.4. Other Technical Reports

Chief Fire Officer: Report dated 14 July 2025. Attach conditions to any grant of permission regarding: fire safety certificate, disability access certificate, firefighting water supply, provision of fire hydrants, and vehicular access.

Transportation & Infrastructure Delivery: Report dated 08 July 2025. The lack of car parking proposed is acceptable owing to the proximity of on-street parking, the sites' central location, and proximity to public transportation. Clarification sought in respect of accessible car parking, the management of deliveries to the commercial unit and the collection of waste. Confirmation required to ensure that there will be no obstruction on public footpaths. It is recommended that a Construction Traffic Management Plan be agreed with the PA prior to the commencement of development.

3.3. Prescribed Bodies to Planning Authority

An Taisce: Report dated 15 July 2025: The site is located within a fragment of dense, mature, broadleaved woodland. Queries raised regarding the suitability of the site with reference to the need to retain mature trees. Reference is made to the

green infrastructure provisions of the Wicklow County Development Plan 2022-2028, which seek the integration of existing natural features into site design. It is stated that an Ecological Impact Assessment may be required and could be requested as Further Information.

3.4. **Third Party Observations to Planning Authority**

2 no. observations were made in respect of the application. These were submitted by the Appellant, who owns the garage to the west of the site, and the owner of No. 116 Main Street, Bray, to east of the subject site. Issues raised in these submissions that do not form part of the appeal have been summarised together as follows:

- The surface of Mill Lane is poor and has decayed over time.
- A survey of the road is required.
- Smooth traffic flow across the junction with Main Street is vital for commercial premises and road users.
- The sequence of the traffic lights at the junction of Main Street and Mill Lane make travelling on Mill Lane unpredictable. The proposed development will exacerbate this issue.
- The proposed development will cause disruption. No information is provided in respect of the site compound, machinery storage, welfare facilities, staff parking, or deliveries. No information is provided regarding site working hours or impacts on the pedestrian footpath.
- Windows should not be provided on the eastern elevation of the proposed development to protect the amenity and privacy of adjoining lands.
- The proposed development appears to be touching the adjoining structure at No.116 Main Street.
- The development will block the adjoining bedroom window and existing wastewater outlets on No. 116 Main Street. No provision for access to these drains for maintenance.
- Vibrations during the construction of the proposed development will cause structural damage to No. 116 Main Street.

- The FI submitted did not contain a method statement on how the existing structure will be protected from vibration. This document should be available to view.
- The size and scale of the proposed development is larger than the development previously permitted at the site.

4.0 Planning History

4.1. The planning history of the site can be summarised as follows:

- **PA Reg. Ref. 23/238:** On 13 July 2023 planning permission was granted for the construction of 3 no. 3-bedroom 3-storey townhouses with associated roof gardens, an office unit at ground floor level, 3 no car parking spaces and bike parking, subject to 12 no. conditions. Notable conditions include:
 - Condition 5. The Balconies/terraces on the western elevation (House 3) shall be provided with obscure glazing of 1.8 metres high.
 - Condition 10. A construction management plan shall be agreed in writing with the PA prior to construction.
 - Condition 11. First occupation of any dwelling shall be by individual purchasers and not by a corporate entity.
- **PA Reg. Ref. 16/1085:** On 29 March 2017 planning permission was granted for the construction of 3 no. 3-storey townhouses, a ground floor office, 3 no. car parking spaces and bike parking, subject to 12 no. conditions. Notable conditions include the following:
 - Condition 5. A 1.5 metre high capped and rendered wall shall be provided at the western boundary of the site.
 - Condition 12. A construction management plan shall be agreed in writing with the PA prior to construction.
- **PA Reg. Ref. 08/630006 (ABP Ref. PL39.230564):** On 21 November 2008 planning permission was granted for the development of the subject site and the adjoining garage site. The development comprised the demolition of the existing garage and the construction of 14 no. apartments, 3 no. offices, a medical centre, and 24 no. car parking spaces across a 5 storey over double basement level

building. The PA notification to grant planning permission, issued on 28 July 2008, was appealed to An Bord Pleanála. This appeal was subsequently withdrawn.

Notable conditions include the following:

- Condition 12. No works shall be permitted (including excavations and foundations) that would impinge on adjoining properties, without prior agreement of the landowner.
 - Condition 14. Refuse storage facilities shall be agreed with the PA prior to the commencement of development, and prior to occupation of the development.
 - Condition 15. The proposed development, including foundations, shall not interfere with the public footpath.
 - Condition 16. The proposed development, including foundations, shall not interfere adjoining properties.
- **PA Reg. Ref. 06/630200:** On 19 January 2007 planning permission was granted for 4 no. apartments, offices and 5 no. car parking spaces in a 3-storey building, subject to 20 no. conditions. Notable conditions include the following:
 - Condition No. 10. No habitable room shall be less than 6.5 sqm.
 - **PA Reg. Ref. 00/630193 (ABP Ref. 39.124316):** On the 29 April 2002, An Bord Pleanála overturned the PA decision and granted planning permission for the construction of 2 no. apartments, 1 no. retail unit and 2 no. car parking spaces in a 2-storey structure, subject to conditions.

4.2. Recent and relevant planning permissions in the vicinity of the site include the following:

- **PA Reg. Ref. 2560942:** Lands circa 50 metres to the west of the subject site, known as Riverside Works: On the 19 November 2025, a planning application was lodged for a mixed-use residential development comprising 54 no. residential units and 3 no. commercial units. On the 19 January 2026, the PA issued a request for 6 no. items of further information. These items relate to proposed residential density, visual and residential impacts, public open space, tree preservation, visibility at the site access, and construction traffic management. At the time of writing, no response has been submitted by the applicant.

- **PA Reg. Ref. 24450 (ACP LC27.321706):** Lands circa 50 metres to the west of the subject site, known as Riverside Works: On the 15 May 2025, ACP refused the appeal in respect of a Section 254 licence for hoarding. In this way, the licence for hoarding was allowed.

5.0 Policy Context

5.1. Wicklow County Development Plan 2022-2028

- 5.1.1. The proposed development in Wicklow Town is subject to the provisions of the Wicklow County Development Plan 2022-2028. The Plan has been the subject of a Ministerial Direction and variations, none of which impact upon the subject site.
- 5.1.2. The Development Plan does not prescribe land uses zoning objectives for Bray. The larger towns in the County were subject to their own LAPs separate to the Development Plan. Wicklow County Council is in the process of preparing new plans and varying the County Development Plan to take into account the land use zonings and mapped objectives.
- 5.1.3. Under Section 4.2 'County Wicklow Settlement Strategy', Bray is described as a Level 1 'Metropolitan Key Town' and is stated to be the largest town in County Wicklow.
- 5.1.4. **Town Centre/Commercial Development**
- 5.1.5. Table 9.2 'County Wicklow Economic Development Hierarchy' of the Plan lists Bray as a Level 1 - Metropolitan Key Town. Similarly, Table 10.1 'Retail Hierarchy & Strategy for County Wicklow' lists Bray as a Level 2 Major Town Centre and describes Bray as a key town. It is stated in Table 10.1 that Bray will accommodate all forms of retail.
- 5.1.6. In respect of design, Table 10.1 states that the existing shopfronts in Bray are relatively poor and that the PA will facilitate development that would contribute to the improvement of the streetscape and regenerate vacant sites.
- 5.1.7. Relevant Policies and Objectives in respect of retail/commercial development include the following:

- **CPO 10.16:** To promote quality design in all retail development, in accordance with the design principles set out in the Retail Planning Guidelines 2012 and companion document 'Retail Design Manual' (DoAHG, 2012), including the guidance set out in the 'Development and Design Standards' appended to this plan.
- **CPO 10.19:** To promote quality design and materials in the development of shopfronts.

5.1.8. Residential Development

5.1.9. Table 6.1 'Density Standards' states that in large towns, including Bray, a minimum density of 50 units per ha is required on public transportation corridors (within 500m walking distance of bus stop or 1km of light rail stop or rail station).

5.1.10. Relevant Policies and Objectives in respect of residential development include the following:

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

5.1.11. Infill Development

5.1.12. Section 5.4.2 'Infill & Brownfield Development' of the Plan states that the redevelopment of infill sites presents a significant opportunity to consolidate town centres. As is stated in the National Planning Framework, infill and brownfield sites represent unique challenges for redevelopment and, therefore, a flexible approach to planning policy should be employed. Similarly, Section 5.4.4 'Living Over the Shop' states that development standards in respect of density, open space and car parking can be relaxed where dwellings are proposed above ground floor retail/commercial uses.

5.1.13. Relevant Policies and Objectives in respect of infill development include the following:

- **CPO 5.3:** To particularly promote and facilitate residential development in town and village centres:

- Promote the ‘active’ use of above ground floor levels, and in particular to promote the concept of ‘living over the shop’ in centres. Where a ‘living over the shop’ use is proposed, a relaxation in density, car parking and open space standards will be considered, where the development meets very high quality of design and accommodation.
- Other than in the retail core area, residential development shall be the primary development objective for lands zoned town centre or village centre. This shall not preclude commercial development on lands zoned town centre or village centre when suitable sites are not available in the core retail area.
- For smaller towns that do not have a defined core retail area the priority will be to facilitate uses which are consistent with maintaining activity and vitality in the town centre and addressing vacancy. While this may allow for the development of residential only developments in the town centre, any such proposals shall fully justify how such use will not diminish vibrancy in the town centre, or result in the town not being able to meet the retail / services needs of the local population.

5.1.14. **Built Heritage**

5.1.15. Appendix 4 ‘Record of Protected Structures’ of the Plan lists the Cornerstone Church as Protected Structure Ref. B49 (referred to as St. Paul’s Church). Section 8.3.1 ‘Record of Protected Structures (RPS) states that structures are placed on the RPS to ensure that their character and interest is maintained. The Development Plan does not describe specific requirements of developments located proximate to Protected Structures.

5.1.16. **Appendix 1 ‘Development Standards’**

5.1.17. Section 2.1.7 of Appendix 1 describes car parking standards applicable to new developments. Owing to the site’s proximity to public transportation and parking enforcement, the standards listed are considered maximum standards. It is stated in Table 2.3 ‘Car parking standards’ that a maximum of 1.2 car parking spaces per unit can be provided per 1–2-bedroom dwelling. For retail developments, a maximum of 4 no. spaces per 100 sqm is proposed. It is stated in this section that where a

developer cannot meet the car parking requirements, the PA may accept a special payment in lieu, to be utilised by the PA to provide car parking in the area.

- 5.1.18. Table 2.4 'Bicycle parking standards' requires the provision of 1 no. bike space per unit and 1 no. visitor bike space per 5 units. For shops, there is a requirement for 1 no. bike space per 10 no car spaces.

5.2. Bray Municipal District Local Area Plan 2018-2024

- 5.2.1. At the time of writing this report, the Bray Municipal District Local Area Plan 2018 – 2024 has expired and the Bray Municipal District Local Area Plan 2025 is at the pre-draft stage. The Bray Municipal District Local Area Plan 2018 – 2024 was the most recent plan for Bray, and contains zoning objectives, mapped objectives and policies that were relevant to the site. While this LAP is expired, I consider that it provides some level of guidance as to the type of development that may be suitable at the subject site.
- 5.2.2. Under the LAP, the subject site was zoned 'TC – Town Centre' to "To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation.". Retail, commercial, and residential development were listed as generally acceptable in Town Centres.
- 5.2.3. Map No. TO1 'Road-Transport Objectives Map' showed the proposed provision of a Green Route (R09) along Mill Lane, adjoining the subject site. Map No. H1 'Heritage Objectives Map' indicated that the site may be located within an Area of Archaeological Potential.
- 5.2.4. The Heritage Schedule of the LAP includes the Cornerstone Church to the south of the site on the Record of Protected Structures. Under Ref. B49, the church is listed as St. Pauls Church.
- 5.2.5. The LAP sought to promote infill development and 'living over the shop' type development. In respect of height, the LAP supported general building heights of 4-storeys in the town centre.
- 5.2.6. Under Appendix C 'Strategic Flood Risk Assessment' of this LAP, the subject site was not located in Flood Zone A or B.

5.3. Apartment Guidelines

5.3.1. The subject application was lodged to the PA on 11 June 2025. This application pre-dates the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025, which were published on 08 July 2025. Section 1.0 'Introduction' of the Apartment Guidelines 2025 states that "*These Guidelines will apply to any application for planning permission that is submitted after the issuing of the Guidelines*". Drawing from the above, I will be assessing this proposed development with reference to the Sustainable Urban Housing: Design Standards for New Apartments, July 2023.

5.3.2. These guidelines list 7 no. Specific Planning Policy Requirements. Standards outlined in SPPRs that are relevant to the proposed development include:

- **Specific Planning Policy Requirement 2:** For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:
 - Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;
 - All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.
- **Specific Planning Policy Requirement 3:** Minimum Apartment Floor Areas:
 - 1-bedroom apartment (2 persons) 45 sq.m
 - 2-bedroom apartment (4 persons) 73 sq.m
- **Specific Planning Policy Requirement 4:** In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:
 - (iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33%

minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.

- **Specific Planning Policy Requirement 5:** Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.

- 5.3.3. As per Sections 3.36 and 3.37, balconies should have a functional relationship with the main living areas of the apartments and are required to have a minimum of depth of 1.5 metres. As per Section 3.39, private amenity space standards may be relaxed in urban infill schemes of up to 0.25 ha.
- 5.3.4. Section 3.41 states that consideration should be given to the provision of a 1.5 metre wide 'privacy strip' where ground floor apartments immediately adjoin the back of the public footpath.
- 5.3.5. In respect of refuse storage, Section 4.9 states that sufficient storage be provide for a communal three-bin system, for the collection of dry recyclables, organic waste and residual waste. It is stated that communal waste storage areas should be adequately ventilated, lit, secure, and accessible. Provision should be made in the layout for sufficient access for waste collectors.
- 5.3.6. Section 4.12 states that in urban infill sites of up to 0.25 ha, the requirement for communal amenity space may be relaxed in part or in whole.
- 5.3.7. Section 4.17 requires that, in general, bike parking shall provided at a rate of 1 no. space per bedroom and 1 no. visitor space per 2 no. apartments.
- 5.3.8. In respect of Car Parking, Section 4.21 provides for reduced provision or no car parking in apartment schemes in central/accessible locations.
- 5.3.9. Appendix 1 of the Guidelines lists development standards for new apartments. Standards relevant to the proposed development include:

Summary of Relevant Standards	One Bedroom Apt.	Two Bedroom Apt. (4 person)
Min. overall apartment floor areas	45 sqm	73 sqm
Min. aggregate floor areas for living/dining/kitchen rooms	23 sqm	30 sqm
Min. bedroom floor areas/widths.	7.1 sqm/ 2.1 metres	11.4 sqm/ 2.8 metres
Min. aggregate bedroom floor areas	11.4 sqm	11.4 sqm + 13 sqm = 24.4 sqm
Min. Storage Space requirements	3 sqm	6 sqm
Min. floor area for private amenity space	5 sqm	7 sqm

5.4. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or European Sites. The closest designated or European sites to the subject area are as follows:

- Bray Head Special Area of Conservation (SAC) (Site Code 000714) is located 1.7 km to the south of the subject site.
- Ballyman Glen SAC (Site Code 000713) and Ballyman Glen proposed Natural Heritage Area (pNHA) (Site Code 000713) are located 2.15 km to the west of the subject site.
- Knocksink Wood SAC (Site Code 000725) is located 4.2 km to the west of the subject site.
- Rockabill to Dalkey Island SAC (Site Code 003000) is located 5 km to the north of the subject site.
- Wicklow Mountains Special Protection Area (SPA) (Site Code 004040) and SAC (Site Code 002122) is located 8 km to the west of the subject site, as its nearest point.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal against the PA Decision was lodged on 24 September 2025. The substantive planning issues relate to the management of car parking and bin storage, have been summarised below as follows:

- Suitable bin storage should be provided within the subject site.
- The loss of on-street car parking to facilitate bin collection is excessive.
- It is proposed to permanently lose 1 no. car parking space to accommodate bins to be collected 1 day per week.
- Bin collection in Bray is efficient. Bins are currently left out early in the morning and collected within a few hours
- Leaving a space between on-street car parking spaces will create a traffic hazard as pedestrians will use this area to cross the road. Cars currently travel quickly in both directions on Mill Lane.
- Future occupants of the development should not be allowed to obtain all day parking permits on the basis that people visiting the town centre require sufficient public parking. If insufficient parking is provided in the town, people will visit out of town shopping centres instead.
- During periods of heavy rain, rainwater flows quickly from Main Street onto Mill Lane.
- Placing bins on the roadway could block the flow of rainwater to stormwater drains.
- Full and overflowing bins are an environmental risk.
- Nearby residents were not aware that this application had been lodged.
- The graphic on the hoarding at the site showed 3 no. houses granted planning permission, not the 6 no. apartments proposed. Residents did not realise that an additional floor was proposed.

- The Eircode on the application documentation is not the subject site, but is a different property on Main Street, Bray.

6.2. Applicants Response

The Applicants have not submitted a response to the appeal.

6.3. Planning Authority Response

The PA have not submitted a response to the appeal.

7.0 Assessment

I have read the entire contents of the file, visited the subject site and its surroundings, reviewed the planning history, and having had regard to planning policy as well as the issues raised in the appeal, I consider the critical issues in determining the current application and appeal before the Coimisiún are as follows:

- Principle of Development
- Compliance with Development Standards
- Refuse Storage & Collection
- Car Parking & Traffic Hazard
- Surface Water
- Miscellaneous

7.1. Principle of Development

- 7.1.1. The LAP for Bray has expired and the 2025 LAP is at pre-draft stage. In this way, the subject site is currently unzoned. Under the LAP 2018-2024 the subject site was zoned TC-Town Centre, and I note that retail, commercial and residential development were listed as 'generally appropriate' on zoned TC lands.
- 7.1.2. The PA assessment dated 29 July 2025 found that the proposed development was acceptable in principle with reference to the TC zoning objective of the previous LAP.

- 7.1.3. The site is located within the core retail area of Bray, adjoining existing commercial and residential development. The character of the site and the surrounding land uses is distinctly urban, and the site is well located proximate to public transportation and town centre services. Drawing from the above, I consider that the proposed retail/commercial and residential development is acceptable in principle at the subject site.
- 7.1.4. The proposed development is part 3- and 4- storeys in height, has a site coverage of circa 80% and a residential density of 236 units per ha. The PA assessment found that the height, scale and density of the proposed development was appropriate with reference to the central location of the site, its infill character, prevailing building heights, and the mixed-use nature of the development.
- 7.1.5. In respect of height, I note that the previous LAP, now expired, stated that 4-storey buildings were generally acceptable in town centre locations. No. 116 Main Street, to the immediate east of the subject site, is 3-storeys high at the shared site boundary. From the drawings submitted, I note that the proposed development will be lower than the existing building at No. 116 Main Street. With reference to this existing building and the guidance provided by the previous LAP, I consider that the height of the proposed development is acceptable.
- 7.1.6. In respect of site coverage and residential density, I note that Table 6.1 of the Development Plan requires higher densities in excess of 50 units per ha on public transportation corridors. In addition, Objective CPO 6.14 seeks to densify built-up areas and Section 5.4.2 of the Plan seeks the consolidation of infill sites. As is discussed above, the subject site is located proximate to public transportation corridors and is situated in the core urban area of Bray. Owing to its location, I consider that the higher residential density sought is appropriate. Similarly, I consider that the high site coverage proposed is acceptable given the infill nature of the site and the urban pattern of development in the vicinity. It is my opinion that the proposed development makes efficient use of this serviced urban site.

7.2. Compliance with Development Standards

- 7.2.1. The matter of compliance with development standards did not arise in the appeal. For reference and for completeness, I have assessed the proposed apartments with

reference to the applicable standards of the Development Plan and the Apartment Guidelines below.

7.2.2. Residential Amenity

7.2.3. Having reviewed the submitted documentation, I consider that the proposed apartments largely meet the minimum design standards and SPPRs of the Apartment Guidelines in respect of floor areas, storage, private open space and aggregate kitchen/living/dining. However, I have some concerns regarding residential amenity and compliance with the guidelines at proposed units 01 and 05.

7.2.4. Unit no. 1 is located on the ground floor of the proposed development, immediately adjoining the back of the public footpath. This unit is also the only single aspect unit proposed, and its windows all face northwest. In addition, from the drawings submitted, I note that the front balcony serving unit no. 2 projects out over the private balcony serving unit no. 1 below.

7.2.5. In respect of privacy and security, Section 3.41 of the Apartment Guidelines suggests the provision of a 1.5 metre privacy strip between the back of a public footpath and the front of a proposed ground floor apartment. From reading the Guidelines, it is my opinion that the provision of a privacy strip is a design recommendation, rather than a requirement of the Guidelines. In this way, I consider that there is some flexibility in its application, to allow for differences in design and location. In this regard, I note that the footpath adjoining the subject site was not heavily trafficked at the time of my site visit. There is an existing railing at the edge of the roadway, which will obscure views of the apartment from passing cars. It is my opinion that the provision of ground floor units directly on the public footpath is typical in many urban locations and would not be unusual in Bray Town Centre. Drawing from the above, I consider the unit 01 is acceptable in respect of privacy and security.

7.2.6. Section 3.18 of the Guidelines states that north facing single aspect apartments may be considered where the unit overlooks a feature of amenity value such as a park, garden or water body. In this regard, I note that the subject site is located opposite the River Dargle however, given the levels of the site and the barrier walls at the Dargle it is unclear if the waterbody will be visible from unit 01. Notwithstanding the above, given the urban location and small size of the site and its position opposite

the River Dargle, I consider that unit 01 offers an acceptable level of residential amenity to future occupiers.

- 7.2.7. In respect of daylighting, I note that no daylight/sunlight assessment is submitted with the application. With reference to the position of unit 01 and the depth of the overhanging balcony above, I consider the unit 01 may achieve reduced levels of sunlight and daylight. Section 6.7 of the Guidelines provides guidance on the assessment of units which may not meet daylight requirements, and states that a balance may be required to achieve wider planning objectives. In this regard, I note that the subject site is just 0.025 ha in extent and is located in the town centre of Bray. The site, at present, is unkempt and detracts from the streetscape at this location. Proposed apartment no. 01 will bring an active frontage to Mill Lane and will enhance pedestrian safety at this location by passive surveillance, in my opinion. Drawing from the above, I consider that, on balance, that proposed unit no. 01 is acceptable.
- 7.2.8. If the Coimisiún does not agree with my assessment, I note that the area of unit 01 could be changed to a retail/commercial unit without substantially altering the layout or appearance of the proposed development. This could be achieved by condition.
- 7.2.9. As per my measurements, the private open space serving unit no. 05 is circa 6.75 sqm, which is below the 7 sqm requirement for 2 bedroom 4-person units in the Apartment Guidelines. Section 3.39 of the Guidelines provides for some flexibility in the application of this standard in urban infill sites and sites up to 0.25 ha. As the site is 0.025 ha in extent, I consider that this provision of the Guidelines is applicable. From my calculations, the balcony serving unit no. 05 is just 0.25 sqm below the Guideline's standard. Owing to its sufficient width and relationship with the living/dining area, I consider that the balcony at no. 05 will be of sufficient residential amenity value to future occupiers and is acceptable in this instance.
- 7.2.10. Drawing from the above, I consider that the residential amenity value of the proposed apartments is acceptable in this instance.
- 7.2.11. **Communal Open Space**
- 7.2.12. The proposed development does not include any communal or public open space. This matter was not raised by the appellant. The PA, in their report dated 29 July 2025, state that the lack of communal open space is acceptable in this instance

owing to the site's town centre location and proximity to an existing area of public open space.

7.2.13. Objective CPO 5.3 of the Development Plan facilitates the relaxation of development standards in respect of density, car parking and open space where 'Living over the shop' type development is proposed. In addition, Section 4.12 of the Apartment Guidelines states that in infill locations of up to 0.25 ha the requirement for community amenity space can be partially or wholly relaxed.

7.2.14. The proposed development includes a retail/commercial unit on the ground floor and, therefore, constitutes a 'living over the shop' type development. In this way, the lack of communal open space at the scheme is appropriate with reference to Objective CPO 5.3 of the Plan. Owing to the small size (0.025ha) and town centre location of the site, the lack of communal open space at the scheme is acceptable under the Apartment Guidelines. I note that there is public open space provided on Mill Lane proximate to the subject site, which is of high amenity value owing to its view over the River Dargle. Drawing from the above, I consider that the lack of communal open space is acceptable in this instance.

7.2.15. **Communal Bin Storage**

7.2.16. I have concerns regarding the overall provision of bins to serve the proposed development. As per Drawing No. 04/2025/ FI-04 'Proposed Floor Plans' submitted to the PA on 08 August 2025, it is proposed to provide 2 no. waste bins to serve the proposed commercial unit and 6 no. individual bins to serve the proposed residential units. In this way, it appears that 1 no. refuse bin per apartment is proposed and that no provisions are made for the separation of domestic waste.

7.2.17. Section 4.9 of the Apartment Guidelines requires that apartments have a communal three-bin system to facilitate the separation of dry recyclables, organic waste and residual waste. The proposed provision of 1 no. bin per apartment unit does not facilitate the separation of waste and, therefore, does not accord with Section 4.9 of the Guidelines. Having reviewed the drawings, I consider that 3 no. communal bins could be accommodated in the proposed refuse storage area without significantly altering the layout of the scheme. In this way, if the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a condition be

attached to require the provision of 3 no. communal bins (dry recyclables, organic waste and residual waste), in lieu of the 6 no. individual bins shown.

7.2.18. **Car Parking**

7.2.19. The proposed development does not include any car parking. This matter was not raised by the appellant, though other car parking related issues were brought up and are discussed in Section 7.4 of this report.

7.2.20. The PA considered that the lack of car parking at the site was appropriate with reference to the site's town centre location and proximity to public transportation.

7.2.21. Appendix 1 'Development Standards' of the Development Plan states that the PA may take a financial contribution in lieu of the provision of car parking. The wording of this section indicates that there is flexibility in the application of car parking standards under the Plan. Section 4.21 of the Apartment Guidelines provides for development without car parking in central and accessible locations. In this regard, I note that the subject site had previously been zoned TC-Town Centre and that the lands are located within 100 metres of bus stops on Main Street, and within 1 kilometre of the Bray Train Station. Drawing from the above, it is my opinion that the site is centrally located and well served by public transport. With reference to the provisions of the Apartment Guidelines, I consider that the lack of car parking to serve the proposed development is acceptable in this instance.

7.2.22. **Bike Parking**

7.2.23. Section 4.17 of the Apartment Guidelines states that bike parking shall generally be provided at a rate of 1 no. space per bedroom and 1 no. visitor space per 2 no. residential units. For the subject scheme, this gives a requirement for 11 no. bicycle storage spaces. Drawing No. 04/2025/ FI-04 'Proposed Floor Plans' shows 10 no. vertical bike storage spaces. In this way, the proposed development is 1 no. bike space short the of minimum requirements of the Guidelines.

7.2.24. I note that the Guidelines provide for some flexibility in the application of these standards, and states that deviation from these standards shall be justified with reference to factors such as location, quality of facilities, and potential for future enhancement. In this regard, I note that the subject site is well located proximate to existing public transportation corridors and is within the urban core of Bray. In this

way, visitors to the subject site will not be wholly reliant on transportation by bike. It is my opinion that the shortfall of just 1 no. space will not have a detrimental impact on the amenities of the development. Given the infill nature of the site, I consider it acceptable that the general bike storage standards of the Guidelines are not fully achieved.

7.2.25. Impacts on Adjoining Sites/Separation Distances

7.2.26. The proposed development is 1.3 metres from the shared boundary to the east, and a minimum of 1.3 metres from the southern boundary. The proposed development immediately adjoins the site boundaries to the north and to the west.

7.2.27. The issue of the separation distance to the east was raised with the PA by the landowner. In particular, the landowner was concerned about the impacts of the proposed development on the window and rainwater goods on the western façade of No. 116 Main Street. Through the FI submitted, the applicant confirmed that a 1.3 metre separation distance is proposed between No. 116 Main Street and the proposed development. In their assessment, the PA was satisfied with this proposed separation distance was sufficient to facilitate the maintenance of No. 116 Main Street, subject to agreement between the landowners.

7.2.28. I note that No. 116 Main Street is built up to the shared boundary with the subject site. In this way, the existing window immediately overlooks and opens onto the subject site. Given the central location of the lands, I do not consider it appropriate that this existing window should unduly hinder development at the subject site. At the same time, I consider that it is necessary to protect and maintain existing residential amenities. In this way, it is my opinion that a balanced approach is required.

7.2.29. I agree with the PA that the proposed separation of 1.3 metres is wide enough to enable maintenance works to the No. 116 Main Street, subject to agreement with the landowner. It is my opinion that the proximity and height of the proposed development will likely reduce daylight and sunlight at the existing window however, given the current level of vegetation at the site and the heights/levels of surrounding buildings, I consider it unlikely that this window currently achieves high levels of daylight or sunlight. It is my opinion that the proposed development will create a light well at this shared boundary, which will enable the existing residents to open this window for ventilation. I note that the proposed development will not obstruct any of

the existing windows on the main eastern or northern façades at No. 116 Main Street. Drawing from the above, I consider that the proposed separation distance is sufficient to maintain existing residential amenity and is appropriate in this instance.

7.2.30. There is no separation distance proposed between the western elevation of the building and the shared site boundary to the west. Having visited the site and the surrounding area, I note that it is typical of this urban area for buildings to largely fill their plot and to extend up to site boundaries. Given the small size of the site and the established pattern of development in the area, I consider that the proposal to build up to the site boundary to the west of acceptable in this instance.

7.2.31. I have concerns regarding the design of the western elevation of the proposed development. Proposed units No. 03 and 05 have windows from their kitchen/living/dining rooms at this western elevation that immediately overlook the lands to the west. As no separation distance is provided within the subject site, the requirement to set back from these proposed windows would fall wholly on the adjoining landowner if these lands were to be redeveloped. In addition, the proposed west facing windows would have full and unobstructed views into the adjoining site. I note that Units No. 03 and 05 have their main windows on the southern and northern elevations. On the basis, it is my opinion that the residential amenity of these units would not be dramatically reduced by the omission of the proposed west facing windows. To protect the amenity value and potential for infill development at the adjoining site, I consider it appropriate that the proposed west facing windows at units No. 03 and 05 are omitted from the proposed development. This can be addressed by condition. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a condition be attached to this effect.

7.2.32. At its closest point, the proposed development is 1.3 metres from the southern boundary. This measurement is from the proposed lift shaft and not from any habitable room. As per the drawings submitted, the proposed residential units are circa 3 metres from the proposed retaining wall at the southern boundary of the site. Owing to the 8-metre height of the proposed retaining wall and the 3-metre separation distance proposed, I consider it unlikely that the proposed apartments will experience high levels of sunlighting at the southern façade, particularly during the winter months. It is my opinion that this separation distance is sufficient to allow future residents to ventilate their homes and to provide adequate levels of daylight at

these south facing windows. In this way, I consider that the proposed separation distance to the south is acceptable in this instance.

- 7.2.33. The northern façade of the proposed development immediately adjoins the back of the public footpath. I consider this to be typical of buildings in urban areas, particularly where a shop or commercial premises is provided on the ground floor. I note that the proposed development continues building line established by No. 116 Main Street, which itself immediately fronts onto the public footpath. Drawing from the above, it is my opinion that the lack of separation from the northern site boundary is appropriate.
- 7.2.34. Drawing from the above, it is my opinion that the proposed separation distances from the development to the site boundaries are acceptable in this instance.

7.3. Refuse Storage & Collection

- 7.3.1. The appellant raises concerns regarding the placing of waste bins on the public road on bin collection day. It is stated that the proposed bin collection area on Mill Lane is excessive, and placing the bins on the road will create an environmental hazard.
- 7.3.2. The PA report dated 29 July 2025 and the local authority Transportation & Infrastructure Delivery Report dated 08 July 2025 both raised concerns regarding the potential for waste bins to be placed on the public footpath on bin collection days. This matter formed Item 2 of the FI request dated 29 August 2025. In the FI submitted to the PA on 08 August 2025, the applicant proposes the reconfiguration of the existing on-street car parking spaces on Mill Lane to provide a 2.5 x 2.5 metre lined marshalling area for bins on collection day. The PA considered this proposal acceptable.
- 7.3.3. The public footpath adjoining the subject site is less than 2-metres wide. If commercial or domestic wheelie bins were placed on this footpath, as is often typical in urban locations, they would occupy much of the footpath width and would obstruct pedestrians. I note that the proposed marshalling area is of similar width to the existing on-street car parking bays and, therefore, would not impair vehicular movements on Mill Lane. In this way, I consider that the provision of a marshalling area on the public road is acceptable in this instance.

- 7.3.4. The proposed 2.5 metre x 2.5 metre marshalling area shown on Drawing No. 04/2025/ FI-03 'Proposed Site Plan' is located on the public road, immediately opposite the entrance to the internal waste storage area. I consider that this location would prevent future occupiers from having to move bins excessive distances on the road or footpath prior to collection. The proximity of the storage area to the entrance also reduces the potential for accidental spillages, in my opinion. In this way, I consider that the location of the proposed bin collection area is appropriate.
- 7.3.5. I note that the proposed marshalling area is located on the public road and is, therefore, under the control of the local authority. The PA decision included a condition requiring the applicant to agree the details of the bin collection area with the Municipal District Engineer for Bray prior to the commencement of development (Condition 4). If the Coimisiún is minded to grant planning permission for the proposed development I recommend that a similar condition be attached.

7.4. Car Parking & Traffic Hazard

- 7.4.1. The appellant raises concerns in respect of the loss of on-street parking on Mill Lane, the use of existing on-street parking by future residents, and the traffic hazard created by the proposed bin collection area.
- 7.4.2. The PA assessment did not raise any concerns regarding the impact of the proposed development on the existing on-street car parking, the use of on-street parking or hazards arising from the proposed bin collection area.
- 7.4.3. In respect of the quantity of on-street parking, Drawing No. 04/2025/ P-03 'Proposed Site Plan' submitted to the PA on 11 June 2025 shows 5 no. on-street car parking spaces on Mill Lane opposite the subject site. Similarly, during my site visit I noted that the on-street car parking bay accommodated 5 no. cars. As shown in Drawing No. 04/2025/ FI-03 'Proposed Site Plan' submitted to the PA 08 August 2025, the proposed bin collection area can be provided on the public road by moving the most westerly of the spaces further west along the roadway. In this configuration, the 5 no. on-street spaces are retained without blocking the existing manhole or the entrance to the adjoining garage. In this way, the proposed development would not result in the loss of any public on-street parking and is, therefore, acceptable in my opinion.

- 7.4.4. In respect of the future use of the on-street parking spaces, I note that Mill Lane is a public road and, therefore, on-street parking is managed by the local authority. The provision of parking permits for future residents will be controlled by the local authority and is it not a matter for the Coimisiún, in my opinion.
- 7.4.5. Regarding the potential for traffic hazard, I note that there is no reason or requirement for pedestrians to cross Mill Lane via the proposed bin collection area. There is no part of the proposed development that will prevent pedestrians from crossing slightly further along Mill Lane, where visibility might be improved. In this way, I do not consider that the proposed bin collection area significantly increases the risk to pedestrians or creates a traffic hazard.
- 7.4.6. Drawing from the above, I consider that the proposed development is acceptable in terms of car parking and traffic safety.

7.5. **Surface Water**

- 7.5.1. The appellant raises concerns regarding surface water running from Main Street onto Mill Lane, and the potential for bins associated with the proposed development to block surface water pathways.
- 7.5.2. The PA did raise any concerns in respect of surface water in their assessments. The PA report dated 29 July 2025 states just that the site will connect to existing services comprising public sewers, public water mains, and public drains.
- 7.5.3. Drawing No. CIV_200A 'Proposed Drainage & Water Supply Layout' submitted to the PA 11 June 2025 shows that there is existing water infrastructure close to the subject site under Mill Lane. A standard piped system is proposed to connect the subject development to the existing surface water drain, the existing foul water drain, and the existing potable water main.
- 7.5.4. From my site visit and the drawings submitted, I note that there grates on both sides of Mill Lane. The closest grate to the subject site is located under one of the on-street car parking spaces and appears to be connected to the existing surface water infrastructure at that location. With reference to the submitted drawings, I note that the proposed bin collection area is located to the west of the existing grate. Drawing from the above, it is my opinion that bins awaiting collection will not block or interfere with the existing grate or any part of the existing surface water infrastructure.

- 7.5.5. Regarding existing surface water issues, I note that the surface water arising from the proposed development will be captured in the piped system proposed and transferred to the public system. In this way, I do not consider that the proposed development will exacerbate surface water issues in this area.
- 7.5.6. I consider it of relevance that the subject site did not fall within a higher risk flood zone, Flood Zone A or B, under the previous LAP. On the basis of this designation, and in conjunction with the proposed connection to the public water infrastructure, I do not consider that the proposed development will increase flooding risk at this location.
- 7.5.7. Drawing from the above, I consider that the proposed development is acceptable in respect of surface water drainage.

7.6. Miscellaneous - New Issues

7.6.1. Notice of Application

- 7.6.2. The appeal submitted raises concerns regarding misinformation at the site and failure to properly inform surrounding residents of the current application.
- 7.6.3. The planning application documentation provided includes a Site Notice, erected on the 8th June 2025, and a Newspaper Notice, placed in the Wicklow Times on 3 June 2025. Both notices date within 2 weeks prior to the submission of the application to the PA, as per Article 17 of the Planning and Development Regulations 2001, as amended. In this regard, it is my opinion that neighbouring residents were given adequate notice of the proposed development.
- 7.6.4. In respect of misinformation at the site, it is my opinion that any pictures on the hoarding securing the subject site is temporary and purely decorative. The hoarding did not obscure the Site Notices, referred to above, and therefore, did not interfere with the applicant giving notice of their intention to lodge a planning application at the site.
- 7.6.5. Drawing from the above, and on the basis that 2-no. submissions were made by the public on the application, I consider that the applicant gave adequate notice of the planning application.

7.6.6. Eircode

- 7.6.7. The appellant states that the Eircode given in the application documentation is incorrect and relates to a property on Main Street Bray.
- 7.6.8. This issue was raised in the submissions to the PA. In response, the PA report dated 29 July 2025 states that the Eircode did not appear on the public notices and that the submitted mapping was sufficiently clear and concise to identify the site. The PA considered this error minor in nature.
- 7.6.9. The address given by the applicant in Question 2 of the application form includes Eircode A98F9R3, which relates to the adjoining site to the east at No. 116 Main Street, Bray. From the Eircode website, accessed 30 January 2026, I note that the subject site does not currently have an Eircode, presumably because there are currently no buildings on the site.
- 7.6.10. Having reviewed the documentation, I consider that the written address given in the notices in conjunction with the submitted Site Location map are sufficient to locate the site and to enable the assessment of the planning application. I do not consider that the inclusion of an adjoining Eircode invalidates the application or hinders public participation.
- 7.6.11. **Impact on Protected Structure**
- 7.6.12. The subject site adjoins the lands of the Cornerstone Church to the immediate south. This church, the structure and interior, are listed on the Record of Protected Structures in the Development Plan and previous LAP under Ref. B49 (St. Paul's Church).
- 7.6.13. The PA assessment did not raise concerns regarding the impact of the proposed development on the setting of the Protected Structure.
- 7.6.14. The area of the subject site is steeply sloping and I note that there is a significant elevational difference between the subject site and land of the Cornerstone Church. As shown in Drawing no 04/2025/FI-06 'Proposed Elevations', the proposed development is lower than the adjoining building. In this way, the proposed development will not be visually obtrusive or detract from the view of the Protect Structure from Main Street. The proposed development will alter the view towards the church from Mill Lane, however, given the site levels at this location, the profile of the Protected Structure will still be dominant on the skyline when viewed from the

north. No works are proposed to the Protected Structure itself or its immediate curtilage at the church yard. In this way, I do not consider that the proposed development will impact upon the character or interest of the Protected Structure.

7.6.15. Drawing from the above, I do not consider that the proposed development will have significant negative effects on the Protected Structure and is, therefore, acceptable at this location.

7.6.16. Comments on Conditions

7.6.17. The PA's notification of their decision to grant planning permission for the proposed development contained 13 no. conditions. I have discussed some of these in the proceeding sections of this report. Additional conditions that I consider specifically important in respect of the proposed development are discussed below.

7.6.18. Condition 3 of the PA decision states that the proposed units shall be occupied by individual purchasers in the first instance. This condition aligns with objective CPO 6.2, which states that the sale of developments to commercial institutional investment bodies is prohibited. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a similar condition be attached.

7.6.19. Condition 4 requires the applicant to agree the details of the proposed marshalling area with the Area Engineer and to pay for this works to be completed. I consider it appropriate for the applicant to make a special contribution to the PA for the provision of the proposed marshalling area, as per Section 48 (2)(c) of the Planning and Development Act 2000, as amended. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a Section 48 (2) contribution condition be attached to cover the cost of providing the proposed marshalling area.

7.6.20. Condition 5 of the PA decision requires the applicant to submit to the PA, for written agreement, a full and detailed Construction Management Plan and Demolition Waste Management Plan. Given the infill nature of the site, and the potential to disturb surrounding properties, I consider it appropriate that the applicant submit a Construction and Environmental Management Plan, or similar, to the PA for agreement prior to the commencement of development. If the Coimisiún is minded to

grant planning permission for the proposed development, I recommend that a condition be attached to that effect.

- 7.6.21. Conditions 9 and 10 of the PA decision require that the use of the proposed commercial unit and details of proposed signage at that unit are agreed with the PA prior to use, respectively. With reference to the provisions of the Chapter 10 of Development Plan in respect of the control of retail uses and streetscape in the town centre, I consider that this condition is appropriate. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a condition be attached to ensure that the applicant agrees the use and shopfront design of the proposed commercial unit prior to it coming into use.
- 7.6.22. Condition 13 of the PA decision requires that the PA is informed if any archaeological or historic features are discovered at the site. In this regard, I note that Map No. H1 'Heritage Objectives Map' indicates that the site may be located within an Area of Architecture Potential. If the Coimisiún is minded to grant planning permission for the proposed development I recommend that a similar condition be attached to protect any undiscovered archaeological material at the site.
- 7.6.23. The PA notification of decision does not include a condition regarding the management of communal areas in the proposed development. If the Coimisiún is minded to grant planning permission for the proposed development I recommend that a condition be attached requiring the establishment of a legally constituted management company for the scheme.

8.0 Environmental Impact Assessment

- 8.1.1. Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Class 10 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings and for urban development on a site greater than 2 ha in a business district.
- 8.1.2. Refer to Form 2 in Appendix 1 (EIA Preliminary Examination). The proposed development has been subject to preliminary examination for environmental impact assessment on the basis that it comprises sub-threshold development.

- 8.1.3. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 **Appropriate Assessment**

- 9.1.1. Refer to Appendix 3 'Appropriate Assessment Screening Determination'.
- 9.1.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Bray Head SAC, Ballyman Glen SAC, Knocksink Wood SAC or Rockabill to Dalkey Island SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The urban location of the site,
- The small size of the site and the proposed development,
- The domestic and commercial/retail character of the proposed development,
- The direction of flow of the River Dargle and its tributaries,
- The distance between the site and the European Sites,
- The proposed connections to existing public water infrastructure in proximity to the subject site.

10.0 **Water Framework Directive**

- 10.1.1. Refer to Appendix 4 'WFD Assessment'.
- 10.1.2. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. It is recommended that the Coimisiún grants planning permission for the proposed development subject to amended conditions.

12.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the urban character of development in the vicinity, and the policies and provisions of the Wicklow County Development Plan 2022-2028 and the Bray Municipal District Local Area Plan 2018-2024 (now expired), and the planning history of the site and surrounding sites, it is considered that the proposed development would not have significant adverse impacts on car parking, traffic, or surface drainage, and is acceptable in respect of waste collection and residential amenities. The proposed development is, therefore, in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 11 day of June 2025 and the 08 day of July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The west facing windows at Units 03 and 05, overlooking the adjoining garage, shall be omitted.

(b) 3 no. communal bins (dry recyclables, organic waste and residual waste) to serve the 6 no. apartment units shall be provided.

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

Reason: In the interest of protecting adjoining amenities and for the appropriate management of waste.

3. Prior to the commencement of development as permitted, the applicant shall submit to the Municipal District Engineer (Bray) for written agreement, plans for the reconfiguration of on-street parking bays on Mill Lane to provide a 2.5 metre x 2.5 metre bin collection area to serve the development.

Reason: To maintain the footpath clear of obstruction.

4. (a) Prior to the commencement of the development as permitted, 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 unit) pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, 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.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence

from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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.

5. 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 planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed

bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(m) A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be available for inspection by the planning authority.

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

6. Prior to its occupation, the applicant shall submit proposals for the use of the commercial/retail unit for written agreement with the planning authority. Where agreement cannot be reached between the applicant and the local authority the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure that an appropriate form of retailing or commercial use is provided at this location.

7. The external shopfront and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfront and signage. Where agreement cannot be reached between the applicant and the local authority the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

8. If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. The applicant is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

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

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

10. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of amendments to the road markings on Mill Lane to provide a marshalling area, which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

11. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water infrastructure.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. 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 commencement of development.

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

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Sinéad O'Connor
Planning Inspector

12 February 2026

Appendix 1 – Form EIA Pre-Screening

Case Reference	ACP-323722-25
Proposed Development Summary	4 No. 1 bed apartments & 2 No. 2 bed apartments over 3 storeys with penthouse to top floor. 1 no. Retail/commercial unit, and all site works.
Development Address	Site at Mill Lane, Bray, Co. Wicklow
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p>	<p>Class 10 (b) (i) “Construction of more than 500 dwelling units”.</p> <p>The proposed development of 6 no. dwellings falls substantially below the threshold of 500 units under Class 10 (b)(i) of Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended).</p> <p>Class 10 (b) (iv) “Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere”.</p> <p>The subject site of 0.025 ha is below the threshold of 2 ha under Class 10 (b)(iv) of Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended).</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: 12 February 2026

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	ACP-323722-25
Proposed Development Summary	4 No. 1 bed apartments & 2 No. 2 bed apartments over 3 storeys with penthouse to top floor. 1 no. Retail/commercial unit, and all site works.
Development Address	Site at Mill Lane, Bray, Co. Wicklow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	<p>The development is of a scale and nature commensurate to nearby development in Bray Town Centre. The scheme is comparable to the mixed use development previously permitted at the site under Reg. Reg. 23/238.</p> <p>It is proposed to remove vegetation and soil to bring the front of the site down to the level of the public footpath.</p> <p>The proposed development comprises a 4-storey building with a 1-bed apartment and a retail/commercial unit on the ground floor, a 1-bed apartment and a 2-bed apartment on the 1st and 2nd floors, and a 1-bed apartment on the 3rd floor.</p> <p>The development will connect to public water infrastructure on Mill Lane.</p> <p>The proposed development will use materials typical of residential development (stone, gravel, concrete etc.). No quarrying or extraction works are directly proposed as part of the scheme. No extraction of surface or groundwater is proposed.</p> <p>During the construction phase, typical risks associated with construction sites will arise. These would be mitigated by standard site safety procedures. During the operational phase, the site would operate as a typical mixed use scheme. Typical levels of domestic waste and retail/commercial waste will be produced by the site.</p>
Location of development	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site of 0.025 ha is located in Bray town centre, on the southern side of Mill Lane. The site is zoned for Town Centre development and has gained planning permission for mixed use development under Reg.</p>

	<p>Refs. 23/238, 16/1085, 08/630006 (ABP Ref. PL39.230564), 06/630200 and 00/630193 (ABP Ref. 39.124316).</p> <p>The site is steeply sloping upwards from north to south and currently sits above the level of the adjoining public footpath and road. The site is currently covered in scrub vegetation and trees and is securely hoarded.</p> <p>The site adjoins existing development to the east, west and south. To the north lies the River Dargle.</p> <p>The site does not contain or immediately adjoin any sites designated for their geographical, ecological, historical, or cultural importance (with reference to the Development Plan and EPA mapping).</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>During the construction phase there is potential for surface water runoff from the site to carry silt laden or polluted water across Mill Lane and into the River Dargle. This risk is removed through the implementation of standard site practices, in accordance with a Construction and Environmental Management Plan.</p> <p>During the operational phase, the development will operate as a standard mixed use, commercial and residential development. Significant effects will not arise.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	

<p>There is a real likelihood of significant effects on the environment.</p>	
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Inspector: _____ **Date:** 12 February 2026

Appendix 3 – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Third Party Appeal</p> <p>To construct 4 No. 1 bed apartments & 2 No. 2 bed apartments over 3 storeys with penthouse to top floor. 1 no. Retail/commercial unit, and all site works.</p> <p>See Section 2.0 of the Inspector’s Report.</p>
Brief description of development characteristics and potential impact mechanisms	<p>A detailed description of the proposed development is in Section 2 of the Inspectors Report.</p> <p>The proposed development comprises a 4-storey building with a 1-bed apartment and a retail/commercial unit on the ground floor, a 1-bed apartment and a 2-bed apartment on the 1st and 2nd floors, and a 1-bed apartment on the 3rd floor.</p> <p>The site is 0.025 ha in extent and is located within the town centre of Bray, near the junction of Mill Lane and Main Street. The site is located on the opposite side of Mill Lane to the River Dargle.</p> <p>The subject site is steeply sloping and is currently covered in scrub vegetation and trees. The site level is currently above that of the adjoining footpath and road, and it is proposed to lower the front of the site to meet the adjoining road level.</p> <p>It is proposed to connect the development to existing public water infrastructure on Mill Lane.</p>
Screening report	N
Natura Impact Statement	N
Relevant submissions	Y
<p>The submission from An Taisce dated 15 July 2025 seeks the retention of trees and vegetation at the site, and suggested that an Ecological Impact Assessment could be sought by the PA.</p>	
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
<p>Owing to the small size of the site and its urban location, I consider that the zone of influence of this site is below the 15 km radius typically utilised. Given the eastern direction of flow of the River Dargle</p>	

at this location, the lack of hydrological connectivity westwards, and the established urban character of the surrounding area, I consider that a 5 km radius is sufficient in this instance.

There are 4 no. European sites within 5 km of the subject site. These sites have been described below using information from the National Parks and Wildlife Service (NPWS).

European Site (code)	Qualifying interests ¹ Link to conservation objectives (www.npws.ie accessed 03 February 2026)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Bray Head Special Area of Conservation (SAC). Site Code 000714	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	1.7 km South	There is no hydrological connection between the subject site and this SAC. The site is separated from this SAC by the urban area of Bray. In this way, there is no ecological connection between the site and this SAC	N
Ballyman Glen SAC Site Code 000713	Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230]	2.15 km west	There is no hydrological connection between the subject site and this SAC as the River Dargle and its tributaries flow eastwards in this location (away from the SAC). The site is separated from this SAC by the urban area of Bray, including the N11 dual carriageway. In this way, there is no ecological connection	N

			between the site and this SAC.	
Knocksink Wood SAC Site Code 000725	Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	4.2 km west	There is no hydrological connection between the subject site and this SAC as the River Dargle and its tributaries flow eastwards in this location (away from the SAC). The site is separated from this SAC by the urban area of Bray, including the N11 dual carriageway. In this way, there is no ecological connection between the site and this SAC.	N
Rockabill to Dalkey Island SAC Site Code 003000	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	5 km north	There is a hydrological connection between the subject site and this SAC via the River Dargle and the Irish Sea.	Y

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

There are no water features on the subject site. The closest waterbody to the subject site is the River Dargle, which is circa 10 metres to the north. The site is separated from the River Dargle by Mill Lane.

The River Dargle provides a hydrological connection from the subject site to the Rockabill to Dalkey Island SAC via the Irish Sea. During the construction phase there is potential for surface water run-off from the site to enter the River Dargle.

The implementation of standard site practices and a Construction and Environmental Management Plan will remove this risk. Given the level of dilution provided by the Irish Sea, I do not consider that construction phase run-off from the subject site will have any significant effects on the conservation objectives of the Rockabill to Dalkey Island SAC.

AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Rockabill to Dalkey Island SAC Site Code 003000 Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution	Potential for negative impacts on water quality causing reduction in reef health and/or prey availability. Implementation of standard construction practices and a CEMP remove the risk. Given the distance between the subject site and the SAC, circa 5km, I consider that the Irish Sea will sufficiently dilute any residual surface water run off arising from the site.
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Rockabill to Dalkey Island SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</p>		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Bray Head SAC, Ballyman Glen SAC, Knocksink Wood SAC or

Rockabill to Dalkey Island SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The urban location of the site,
- The small size of the site and the proposed development,
- The domestic and commercial/retail character of the proposed development,
- The direction of flow of the River Dargle and its tributaries,
- The distance between the site and the European Sites,
- The proposed connections to existing public water infrastructure in proximity to the subject site.

Appendix 4 – WFD Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ACP-323722-25	Townland, address	Site at Mill Lane, Bray, Co. Wicklow
Description of project		Mixed use development with 1 no. retail/commercial unit and 6 no. apartments. The proposed development will connect to existing potable, surface water and foul water infrastructure at Mill Lane.	
Brief site description, relevant to WFD Screening,		The site is comprised of made ground and site level is currently above the level of the adjoining public road. The site is currently overgrown with scrub vegetation and trees. There are no waterbodies traversing the site. The site is located within 10 metres of the River Dargle and is separate from the river by Mill Lane. There are existing surface water grates at Mill Lane in proximity to the site.	
Proposed surface water details		Piped connected to public surface water infrastructure.	
Proposed water supply source & available capacity		Uisce Éireann mains water connection. The Uisce Eireann water supply capacity register states that the site is served by the Greater Dublin Area Water Resource Zone (WRZ). There is Potential Capacity Available – Level of Service (LoS) improvement required.	

Proposed wastewater treatment system & available capacity, other issues		Uisce Éireann wastewater connection to the Shanganagh Waste Water Treatment Plant. The wastewater treatment capacity register states that there is spare capacity in this WWTP.				
Others?		None				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	10 m	DARGLE_040 (IE_EA_10D010300)	Good	Not at Risk	None Stated.	Surface run off.
Groundwater Waterbody	Underlying site	Wicklow (IE_EA_G_076)	Good	At Risk	Unknown, Agriculture	Groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	DARGLE_040 (IE_EA_10D01 0300)	New – potential overland flow across across Mill Lane.	potential for surface water run off from the site to enter the River Dargle.	Standard construction practice CEMP	No – any residual run off will be captured by the existing public surface water infrastructure.	Uncertain
2.	Ground	Wicklow (IE_EA_G_076)	Pathway exists but mixed drainage characteristics on-site	spillages	Standard construction practice CEMP	No	Uncertain
OPERATIONAL PHASE							

3.	Surface	DARGLE_040 (IE_EA_10D01 0300)	None – piped surface water system proposed	No	No	No	Screened Out
4.	Ground	Wicklow (IE_EA_G_076)	Pathway exists but mixed drainage characteristics on-site	Spillages	No discharges to ground	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Surface Water							
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)		

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Surface Water Run Off during the construction phase	Standard and site specific construction mitigation methods. Will form part of the CEMP (see Condition 5 of the PA notification of decision)	Standard and site specific construction mitigation methods. Will form part of the CEMP (see Condition 5 of the PA notification of decision)	N/A	N/A	Yes
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	
Construction works	Site specific construction mitigation methods. Will	Site specific construction mitigation	N/A	Yes	

	form part of the CEMP (see Condition 5 of the PA notification of decision)	methods. Will form part of the CEMP (see Condition 5 of the PA notification of decision)		
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