

An
Coimisiún
Pleanála

Inspector's Report

PL-500165-WW

Development	Mixed use development, comprising 341 no. residential units, commercial spaces, retail spaces and all associated ancillary site works.
Location	Site largely within the Former Bray Golf Course Lands, Off Ravenswell Road and Dublin Road, Bray, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2560207
Applicant(s)	Shankill Property Investments Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeals	First and Third Party
Appellant(s)	Shankill Property Investments Limited Marcia Nicholson The Dargle Area Residents Association Rachel Gibney Avril Power Noeleen McManus

Observer(s)	Cllr. Caroline Winstanley Cllr. Malachai Duddy Cllr. Joe Behan Cllr. Ian Neary Cllr. Dermot O'Brien Mohamed Shousha Seana Kevany Owen Mc Nestry and Sarah Sheppard
Date of Site Inspection	16 th March 2026 and 5 th July 2026
Inspector	John Duffy

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1.0 Introduction

This proposed mixed-use development is located on lands which previously formed part of the Bray Golf Club lands, off Ravenswell Road and Dublin Road in Bray, Co. Wicklow. The Sea Gardens Masterplan, prepared by the applicant and submitted as part of this planning application, provides the overarching development framework for the subject site and adjoining lands. The Masterplan envisages the construction of over 1200 residential units in total.

The proposed development comprises Phase 2 of the wider Sea Gardens development. Adjoining lands to the north / north-east and indicated to be in the applicant's control is Phase 1, consisting of sub-phases 1a and 1b of the Sea Gardens development. Shoreside Park, denoted as Phase 1a consists of a new residential development with retail and commercial units, now substantially completed (Ref. No. ABP-311181-21 refers). Block A development, denoted as Phase 1b, relates to a recently permitted Large Scale Residential Development (Ref. ACP-324074-26 refers) consisting of 150 apartments and 9 houses, granted planning permission in May 2026.

The Sea Gardens Masterplan traverses across two different administrative jurisdictions in Bray, namely lands within Dun Laoghaire Rathdown County Council (DLRCC) and Wicklow County Council (WCC). Phase 2 lands are wholly located in the administrative area of WCC, with the county boundary running north of the appeal site.

Five third party appeals and a first party appeal have been received in relation to the proposed development. Eight observations have been made on the appeals.

The planning application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

A Technical Note is prepared by An Coimisiún Pleanála's (ACP) Ecologist, and this is attached as Appendix 4 to this Inspector's report.

2.0 Site Location and Description

- 2.1.1. The site, measuring approximately 11ha is located to the north of Bray Town Centre and the River Dargle, forming part of a larger landholding within the applicant's control. Bray is the largest town in Co. Wicklow, with a population of c.33,500 persons in 2022. The applicant's landholding is subject to the Sea Gardens Masterplan, with the subject site located centrally in the overall Sea Gardens lands / former golf club lands.
- 2.2. The site is bound by undeveloped lands in addition to the permitted Phase 1a and 1b development to the north along with Coláiste Ráithín and Ravenswell Primary School, by the Irish Rail Dublin-Rosslare main rail line / DART line to the east, beyond which lies a coastal strip and the Irish Sea, by the River Dargle to the south and by existing residential development to the west at Dwyer Park. The M11 and R761 roads are located further west. A link road from the R761 connects east serving the nearby school sites.
- 2.3. The site was formerly used as a golf course, with landscaped areas comprising remnants of this former use. It is now bounded by fencing and is partly used for storage and car parking in connection with the development of Phase 1 lands. The southern and eastern portions of the site are located on low lying level ground while the ground rises slightly towards the north. The levels range from 7.2m AOD on the northern boundary to 1.47m AOD on the southeast boundary.
- 2.4. Wider lands to the north and west comprise generally traditional single and two storey low density housing developments and some retail/commercial services, with wider lands to the south offering a greater range of uses associated with Bray town centre.
- Fran O' Toole Bridge, formerly known as Bray Bridge, is located to the south-east of the appeal site and north of the town centre. It links Main Street with Castle Street and is presently the only trafficked bridge over the River Dargle in the town centre.

3.0 Proposed Development

- 3.1. The planning application was submitted to Wicklow County Council under Section 34 of the Planning and Development Act 2000, as amended. While the proposed development comprises in excess of 100 residential units, it does not meet the criteria for a Large-Scale Residential Development (LRD) on the basis that the proposed non-

residential gross floor space (c.31%) exceeds the maximum threshold (i.e. 30%) for development that may be included within an LRD.

3.2. The proposed development relates to Phase 2 of the Sea Gardens Masterplan within the former Bray Golf Club lands and a 5 year permission is sought. The proposed development comprises:

- Change of use and development of lands from former golf course use to mixed uses at the site (c 11ha).
- 341 no. residential units, commercial spaces (gross floor area c 10,778sqm), retail / retail services spaces (gross floor area c 8,155sqm), car and bicycle parking, open spaces and associated supporting infrastructure.
- 341 residential units, as follows (see Table 2.2 below for detailed breakdown):
 - 94 no. terraced houses (2-3 storeys in height).
 - 106 no. duplex own-door units (2-3 storeys in height).
 - 109 no. apartments in Block E (3-15 storeys in height).
 - 32 no. apartments in Block H (3-4 storeys in height).
- Each house and duplex unit to have its own refuse storage. All Block E apartments have internal refuse storage and access to a refuse storage area on the undercroft floor level. All Block H apartments have access to 2 no. internal refuse storage areas at ground floor level.
- The commercial and retail / retail services component will consist of:
 - Block E: 1 no. public house (c 804sqm), 2 no. retail units (c 908sqm in total – Comparison retail).
 - Block G (1-2 storeys in height): 3 no. retail units (c 2,550 sqm in total – Comparison retail).
 - Block H: 1 no. medical centre (c 706sqm), 1 no. childcare facility (c 762sqm) and 1 no. retail unit (c 94sqm – Comparison retail).
 - Block I (3-7 storeys in height): 1 no. hotel with 150 rooms (c.10,016sqm) with pool and wellbeing centre, (c.1,169sqm), wedding/function venue (c.

633sqm), rooftop restaurant (c 883 sqm) and 1 no. retail unit (c 408sqm – Comparison retail).

- Internal vehicular, cycling, and pedestrian network and linkages to adjoining sites and existing vehicular, cycling and pedestrian networks.
- Refuse storage areas for commercial and retail/retail services spaces in Blocks E, G, H and I.
- Ancillary plant, 3 no. electrical substation kiosks and substation/switch rooms in Blocks E, G, H and I.
- Public lighting, drainage arrangements, utility connections and PV panels in Blocks E, H and I.
- Signage and hard and soft landscaping.
- Temporary construction compound, site clearance works, demolition of existing shed on site (160sqm) and all associated site development works.
- Closure of vehicle access to the Ravenswell Road from the Dublin Road (R761).
- Amend previously permitted development (PA Reg. Ref. 2460455) to include construction of a new access (Southern Access Road) at Dublin Road / Upper Dargle Road junction and modifications to the associated permitted landscaped area.

3.3. The following tables set out some key aspects of the proposed development.

Table 3.1 Key Figures

Site Area (Gross / Net)	11 hectares / 5.6 hectares
% Site Coverage and Plot Ratio	22% and 0.55
Number of Residential Units	341 houses, duplexes and apartments Block E (Mixed-use block): 109 apartments, as follows: 9 no.1 beds; 83 no. 2 beds; 13 no. 3 beds; 4 no. 4 beds.

	Block H (Mixed-use block): 32 apartments, as follows: 18 no. 1 beds; 12 no. 2 beds; 2 no. 3 beds. 94 houses consisting of 62 no. 3 bed units and 32 no. 4 bed units. 106 own-door duplex units consisting of 53 no. 3 bed units and 53 no. 2 bed units. (See Table 2.2).
Commercial / Retail Units	Block E: Public house (c.804sqm) and 2 no. retail / retail services units (c.908sqm in total). Block G: 3 no. retail units. Block H: Childcare facility, 150 capacity (762sqm), Medical Centre (706sqm) and retail / retail service unit (94sqm). Block I: Hotel including rooftop restaurant, wellbeing centre and wedding/function room (c 10,016sqm) and retail service units.
Height	Houses and duplexes: 2-3 storeys Block E: 3 -15 storeys Block G: 1-2 storeys Block H: 3-4 storeys Block I: 3-7 storeys
Residential Density (units per hectare – uph)	Stated as c66 uph (net)
Dual Aspect (Apartments and Duplexes)	Stated as 92%

Open Space	<u>Public Open Space</u> Central Park: c 15,952sqm Western gateway: c 2,506sqm (c 16.8% of total site area). <u>Communal Open Space</u> Block E: Communal garden at podium level (1,235sqm). Block H: Communal garden at podium level (388sqm). Duplex units: Two communal gardens (c 911sqm in total).
Pedestrian / Cycle Infrastructure	Active travel permeability through the site. Proposed pedestrian and cycle routes to tie-in with wider route network within Masterplan area and existing pedestrian and cycling infrastructure. Existing pedestrian and cycle connections to DART station and promenade via the R761 and along River Dargle walkway. Proposed connection to the north via Sea Gardens Phase 1 into existing park lands (Corke Abbey Valley Park).
Car and Bicycle Parking	<u>Car parking (Residential):</u> 450 spaces (425 residents, 25 visitors). All houses and duplex units: 2 spaces each, either in-curtilage or on-street (proximate to

	unit). Parking for apartments within undercroft area in Blocks E (114 spaces) and H (22 spaces). <u>Car parking (Non-residential):</u> 82 spaces (12 EV spaces, 7 spaces provided as universal design spaces). On-street parking provided adjacent to Block H (for childcare facility, medical centre and retail unit). Block G: retail units served by on-street parking near that Block. Block I and E: Car parking at internal areas as well as on-street. <u>Universal car parking:</u> 29 spaces across the development (5% of spaces). All in-curtilage spaces designed in accordance with universal access requirements. <u>EV car parking:</u> 60 EV charging points across the development (c 11% of spaces). Proposed development includes ducting to allow installation of additional charging points. <u>Shared spaces:</u> 2 car parking spaces designated for car-sharing use. <u>Bicycle parking (Residential):</u> 1,003 spaces (875 residents and 128 visitors). Blocks E and H: each provide two internal storage rooms for all residents'
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	and visitors' parking. Universal access bicycle parking available in these blocks. Houses have rear accesses to store bicycles in rear gardens. Duplex units at ground floor level have access to rear private open space to store bicycles. Dedicated bicycle storage to front of duplex units at upper levels. Visitor parking for houses and duplex units will be on-street. Bicycle parking (Non-residential): 62 spaces; 10 each at undercroft level in Blocks E, G, and H. 32 at undercroft level in Block I.
Part V	34 apartments (20 no.1 bed 2P units and 14 no.2 bed 4P units) within Block C (north of the site) permitted under SHD1 ABP-311181-21.

Table 3.2 – Residential Unit Breakdown

	Bedroom Number						
Type	1-Bed (2P)	2-Bed (4P)	3-Bed (5P)	3-Bed (6P)	4-Bed (7P)	4-Bed (8P)	Total
Houses	-	-	62	-	14	18	94 (c.27.5%)
Duplex	-	53	53	-	-	-	106 (c.31%)
Apartments	27	95	6	5	-	8	141 (c.41.5%)

Total	27	148	121	5	14	26	341
	(c.8%)	(c.43.5%)	(c.35%)	(c.1.5%)	(c.4%)	(c.8%)	(c.100%)

- 3.4. The red line boundary primarily encompasses lands under the applicant's control but also areas under the control of Wicklow County Council (public roads). A letter from the Local Authority is submitted with the application and notes it has no objection to including lands either registered in its ownership or in the control of the Council in the application. It goes on to state that a letter of consent is not required where the applicant proposes works to the public road, public footpath or similar areas that are readily accessible by the public.
- 3.5. Application documentation notes that the remaining undeveloped part of the Masterplan lands will form Phase 3 of the Sea Gardens Masterplan and that this area is included within the application to allow for temporary use during construction for storage of materials and site facilities.
- 3.6. Foul drainage infrastructure exists within and adjoining the site. The foul drainage system to serve the proposed development will run from north to south using new 225mm and 300mm diameter pipes to connect into an existing 900mm diameter pipe along the River Dargle which leads to Bray pumping station. Block E at the eastern extremity of the site will have a connection into the existing foul water main located to the south of that proposed block. At the south-east of the site two existing foul water pipes will be redirected along a new route around Block G and they will connect into a single discharge point at an existing 900mm diameter pipe.
- 3.7. Existing water supply infrastructure is installed for Sea Gardens Phase 1 on the site and the entire Phase 1 water supply networks has been designed and constructed with sufficient capacity to cater for this Phase 2 development. Surface water shall be attenuated prior to discharge via an outfall pipe into the River Dargle. Sustainable Urban Drainage Systems (SuDS) would be incorporated including filter drains, permeable paving, tree pits, green roofs, green courtyards with a permeable base (where appropriate) and swales. Storm water runoff from the site will be treated through the use of a Bypass Interceptor prior to discharge to the River Dargle.
- 3.8. The Environmental Impact Assessment (EIA) Portal ID number is 2025038.

3.9. In addition to standard plans and particulars, the planning application was accompanied by a number of supporting documents. These include, but are not limited to:

- Environmental Impact Assessment Report (EIAR) dated 21st March 2025 in three volumes: Volume 1 - Non-technical summary, Volume 2 - Main Text and Volume 3 - Appendices.
- Natura Impact Statement (NIS) dated 19th March 2025.
- Planning Report.
- Masterplan Design document.
- Architectural Design Statement (ADS).
- Traffic and Transport Assessment (TTA) Report.
- Landscape Design Strategy.
- Tree Survey and Planning Report.
- Engineering Report.
- Flood Risk Assessment (FRA).
- Flood Emergency Management Plan.
- DMURS Statement.
- Housing Quality Assessment (HQA).
- Daylight and Sunlight Assessment Report.
- Social Infrastructure Audit.
- Climate Action and Energy Statement.
- Property Management Strategy Report.
- Building Lifecycle Report.

4.0 Planning Authority Decision

4.1.1. Background: Prior to the planning authority making its decision, it requested FI on 14th May 2025 in respect of several items. This section will outline, in the following order,

summaries of the planning authority reports prepared in respect of the proposal, the FI request to the applicant, the FI responses received from the applicant, the planning authority reports following receipt of the FI, and finally, a summary of the planning authority's decision.

4.1.2. **Planning Authority reports**

The **first Planning Officer's report** is dated 13th May 2025 and reflects the planning authority's decision to seek FI in respect of the proposed development. The report includes, inter alia, relevant planning policy, site description, planning history, a summary of third party submissions and details of internal and external reports. A planning assessment is also set out. Some of the sub-headings in the assessment may be summarised as follows:

- *Principle of development* - The proposed mixed-use development would accord with the provisions of the Bray Municipal District LAP and the wider regional and national planning context and therefore it is acceptable in principle.
- *Zoning/Masterplan* - In principle it is considered that the Masterplan and the proposed development would accord with the zoning of the lands for mixed use development.
- *Intensity of development* – Residential density is calculated as 66 uph net. From review of the overall golf club lands, and Phase 1 (312 units) and potential Phase 3 (354 units), the density within the overall lands would be estimated as 109 uph. This would accord with the Sustainable Residential Density and Compact Settlements Guidelines for Planning Authorities and Objective SL03 of the Bray LAP and therefore is acceptable.
- *Phasing* – The submitted Phasing Plan identifies a first phase which includes Block E, Block I (Hotel), duplex units, the majority of the Central Park and the Coastal Gardens. This phasing will ensure appropriate amenity and significant commercial infrastructure in the first phase of construction, and would ensure key components of the development are provided, and therefore is acceptable.
- *Residential Units* – Proposed mix and external finishes are acceptable. The overall layout of the area in terms of housing and unit types is sufficient to ensure appropriate passive surveillance. Private open space for all units accords with

standards set out in the Compact Settlements Guidelines and Apartment Guidelines. The HQA provided identifies that apartment units meet required standards in terms of internal unit sizing for rooms and storage.

- *Block I – Hotel* – Design of building and hotel use are considered acceptable.
- *Block E - Bar / Public House, Apartments* - The design results in essentially three structures rising from above the podium parking, with the dominant structure having 16 floor levels, c. 53m in height and identified as the marker building. The two other structures are lower structures of four storey design. The structures enclose the communal space, and Block E is the boundary unit to the Coastal Park and entry area from the pedestrian access to the Harbour area. The design has been reviewed in light of risk of bird collision with a number of key elements introduced including no large expanses of glass, restricted use of glass, and sightlines to planted areas through glass avoided. Mix of uses proposed are acceptable. However, concerns are raised that Block E by reason of its height, scale and massing would compete with the key components of Bray, which are its Victorian Seafront, and its location surrounded by prominent landscape markers (Bray Head, Sugarloaf and Little Sugarloaf).
- *Parking/Cycle Parking* - Parking provision is significantly below the provisions of the County Development Plan 2022-2028 with particular reference made to the commercial elements which would (in accordance with the CDP standards) require a total of 454 spaces. However, given the location of the development, connectivity and access to public transport, the parking strategy is generally acceptable. Concern is however raised regarding the viability of the 150 bedroom hotel with 32 parking spaces. In terms of cycle parking provision is 875 spaces for use of residents / commercial with 128 visitors' spaces and this quantum would accord with the requirements of the CDP.
- *Flood Risk Assessment* - Having regard to the submitted flood risk assessment, and given the proposal will not increase flooding, or impede flow pathways, and the proposed development has been designed to have regard to potential flooding in the absence of the existing Flood Defences, it is considered that the proposal has met the criteria of the Justification Test and is therefore acceptable.

- *Environmental Impact Assessment* – It is considered that the EIAR supported by submitted documentation provides an identification and description of the direct and indirect significant effects of the development on the environment and sets out measures to avoid, prevent and reduce impacts of the development and necessary mitigation measures.
- *Appropriate Assessment* - It is not considered that the development on its own or in combination with other plans or projects would give rise to negative impacts on any Natura 2000 site.

4.1.3. **Other Technical Reports (prior to FI being issued)**

4.1.4. Transportation & Infrastructure Delivery: The first report dated 29th April 2025 recommends FI be sought. This report largely reflects Items 1 – 5 of the FI request.

4.1.5. Housing Directorate – Part V Report: This report, dated 29th April 2025, notes the Part V package document provided with the application. It is stated that agreement to purchase units cannot be pursued pending a decision on the planning application.

4.2. **Further Information Request and Responses**

Prior to the planning authority making its decision on the application, it requested FI. The first 5 items are transport related. The request is summarised as follows:

Item 1.

Section 2.3.2 of the Bray and Environs Transport Plan / Study (BETS) 2019 outlines several prerequisites for the complete development of the Golf Club lands. The TTA does not address how Phase 2 development can be achieved in the absence of certain objectives. Provide clarification/justification on how this proposed development can proceed in the absence of some of those objectives.

Item 2.

(a) The submitted drawings do not illustrate how the proposed development will integrate and facilitate the provision of a public transport, pedestrian and cycle bridge from the Golf Club lands to Bray DART Station. Submit sufficient details to show the proposed development will not impede the future development of this link.

(b) Demonstrate how the potential future Luas link can be accommodated across the site given the proposed building lines and road cross sections.

(c) The permitted Bus Connects design is not overlaid on submitted drawings/maps. Demonstrate how the proposed road tie-in will integrate with the approved Bus Connects scheme.

Item 3.

(a) The junction layout (junctions 2, 3 and 5) are noted to be raised crossings. The proposal to have two kerbs on either side of the proposed cycle facilities may not be suitable. Please address.

(b) Review the assignment of car parking spaces to private individuals or organisations as this may cause difficulties with road taking in charge.

(c) Noting the submitted Quality Audit and Stage 1 Road Safety Audit, provide a report to demonstrate how each item that was accepted has been addressed.

(d) At the southwest corner of the development where the cycle track crosses the internal road on a bend (Ravenswell Road), demonstrate that appropriate intervisibility can be achieved at the crossing point.

Item 4.

(a) Noting the TTA, clarity is sought on the derivation of person trip rates in Table 10-3 as they appear to differ from those in Table 10-1.

(b) In terms of Section 10.4 'Trip distribution' it is noted that POWSCAR data was used to assign vehicular traffic from the proposed development to the road network. Confirm this distribution is consistent with existing traffic patterns. As POWSCAR data does not provide arrival data, confirm the proposed arrival percentages are consistent with TRICS data from similar developments.

(c) The modelling indicates the southern access junction will be operating over capacity. The applicant should provide further measures beyond the right turn prohibition into the proposed development to help alleviate the issue. Potential alternatives could include optimising signal timings to improve traffic flow and reduce congestion, measures to redistribute traffic, etc.

Item 5.

Undertake a review of the permeability design in respect to Pedestrian / Cycle Prioritisation, and address the following issues:

(a) Regarding the proposed active travel entrance to the development at Ravenswell Road (south-west corner of the site) which is a key gateway for pedestrians and cyclists, examine extending the proposed two-way cycle track along the entire length of this section. This would prevent a pinch point at this location and ensure pedestrians and cyclists can comfortably move through the space.

(b) Shared spaces are disliked by both pedestrians and cyclists; transitioning to shared space should only be considered in constrained locations and where a shared crossing, e.g. toucan crossing, is being implemented. Pedestrians and cyclists should have priority at the proposed junction with the link road adjacent to this access route and this should be reflected in the proposed design.

(c) Examine the provision of further active travel crossing points along the proposed primary link street as it is not considered that the 2 no. crossings currently proposed will adequately cater for pedestrian and cyclist desire lines.

(d) All cycle tracks and shared space areas should be in line with the desirable minimum widths that are set out in Table 2.2 of the Cycle Design Manual.

(e) Examine the extension of the proposed two-way cycle track along the entire length of proposed south-west active travel access point to Castle Street.

(f) Examine the provision of pedestrians and cyclist priority at the proposed junction of the south-west access point and the link road.

Item 6

Confirm that the development boundary does not overlap with the boundary of the railway line. It is noted that drainage channels running parallel to the railway at the crest of cuttings and the toe of embankments fall within the original land take for the railway corridor. It is therefore possible that the proposed development encroaches onto Iarnród Éireann lands. Engage with Iarnród Éireann to confirm that there is no encroachment.

Item 7.

It is considered that the scale of Block E, in particular the marker element with an overall height of c. 53m, would not appear to form an appropriate transition in scale,

would not fit into this urban landscape, would form a dominating and prominent feature, would compete with the key components of Bray, which are its Victorian Seafront, and other surrounding prominent landscape markers i.e. Bray Head , Sugarloaf and Little Sugarloaf. The scale, when viewed would appear to jar with both the existing and permitted development and would appear to overwhelm the views both within and from outside of Bray. Furthermore, a building of this height would appear to be contrary to Objective SL03 of the Bray Municipal District Local Area Plan 2018. Provide further supporting commentary.

Item 8.

Confirm the viability of the hotel given the reduced parking associated with this structure.

Item 9.

The reports identify that all the retailing will either be retail services or retail comparison with no convenience identified. However, the drawings appear to identify units which will provide for convenience shopping. Clarify.

Item 10.

Undertake an examination to show the development will not result in a diminution of amenities at No. 6 Belton Terrace given that the single storey retail element is located c.2m from this unit.

FI Responses received

FI was received on 8th August 2025 and was not considered by the planning authority to constitute significant FI. In addition to revised drawings and plans, the response includes a cover letter, and other documents prepared by or on behalf of the design team, including planning and architectural responses addressing the FI Items. Responses are summarised as follows.

Item 1 - BETS: The detailed response considers how the proposed development aligns with the principles and proposals of the Bray and Environs Transport Plan / Study (BETS) 2019. Detailed justifications are set out in submitted documentation as to why the proposed development may proceed having regard to the Bray and Environs Transport Plan/Study 2019. The justifications are summarised as follows:

- **Development roads within the Golf Club lands:** The proposed development satisfies this requirement by delivery of a comprehensive and integrated network of roads within Phase 2. The design aligns with national standards and supports the strategic objectives of BETS. Proposed road infrastructure builds on previously permitted Phase 1 development and key elements of the internal road hierarchy are the Northern, Southern and Eastern Development Roads which are already designed and partially implemented. The roads provide sufficient capacity and connectivity. Further, the internal road network is designed in accordance with DMURS, ensuring safe, accessible and multimodal movement. The layout includes two-way traffic lanes, dedicated bus and cycle lanes and pedestrian paths which all support sustainable travel and reduce reliance on private cars. While the full build-out of development roads is a long-term objective, the proposal can proceed in a way which is consistent with the strategic intent of BETS, supported by phased infrastructure and integration with existing transport network.
- **Pedestrian and Cycle Links to Bray Town Centre:** The proposal satisfies this prerequisite by delivering direct, safe and high quality pedestrian and cycle links from the Golf Club lands to Bray town centre, Bray DART Station and the seafront. These connections facilitate integration with the existing infrastructure and promote sustainable, active travel in line with BETS. Alternatively should this prerequisite not be fully in place at the time of the development, the proposed development remains capable of proceeding in its current form, delivering a robust internal network supporting active travel and connecting with existing infrastructure. High quality pedestrian and cycle facilities are designed in accordance with DMURS and the Cycle Design Manual, providing links to Dublin Road and Harbour Road corridors connecting to Bray town centre and the DART station.
- **Bus Priority on Dublin Road (Bus Connects Integration):** The Bray to City Centre Core Bus Corridor was granted in January 2025. Phase 2 has been designed to integrate with the Bus Connects layout. The proposal can proceed in the absence of the full implementation of the Bus Connects Scheme given that it is already well served by existing public transport infrastructure. Dublin Road is presently a key public transport corridor with frequent bus services connecting Bray to the city centre and surrounding areas. The development supports sustainable mobility through active travel, internal permeability and multimodal connectivity.

- **Public Transport and Active Travel Bridge:** This bridge over the River Dargle will connect to Bray DART station and represents a strategic infrastructure investment to serve Bray and the wider region, not exclusively the Sea Gardens development. Its purpose is to enhance multimodal connectivity across the River Dargle, supporting future Luas extension plans and improving access to the railway station for a broad catchment area. The proposed development has been master-planned to safeguard alignment and future integration of the bridge and this is demonstrated through drawings submitted with the FI response, detailing how internal road and active travel networks are designed to connect into the bridge once constructed. In the interim, the development can rely on existing pedestrian, cycle and public transport infrastructure routes which provide access to Bray DART station and the town centre. While the bridge will significantly enhance connectivity in the long run, its absence does not preclude the proposed development from proceeding in a manner that is consistent with the objectives of BETS.
- **Interchange at Bray DART Station:** This project is being advanced by the Local Authority and it is noted that this project is 95% completed. The project is designed to improve the interchange experience for commuters and prioritise sustainable modes of transport. The upgrades will significantly improve the functionality of the interchange, supporting seamless transition between bus and rail services and encouraging greater use of public transport. In the interim period the existing rail underpass, located c.800m from the DART station provides a direct connection, facilitating access to the station from the development lands.
- **Phased introduction of public transport:** The GDA Transport Strategy (as detailed in the TTA report) proposes several schemes including Bus Connects, DART+ and Luas Green Line extension that deliver phased introduction of additional transport services, capacity and frequency across Bray and the wider region. Planning approval for the Bray to City Centre Core Bus Corridor is in place, with phased construction planned to minimise disruption. The DART+ programme will directly benefit the Bray area by improving rail service frequency and reliability, supporting the long-term shift from private car use to public transport. The extension of the Luas Green Line to Bray is a long-term strategic objective, with the exact alignment subject to further studies. The masterplan for the development lands has been designed to accommodate this future infrastructure including safeguard a route for

the provision of Bray Bridge that could provide a future connection for LUAS services to Bray Station.

- **Conclusion:** While the BETS 2019 identifies a commitment to the phased introduction of bus and enhanced rail services as a prerequisite, the proposed development can proceed in the absence of a formalised commitment because the necessary strategic frameworks and infrastructure programmes are already in place and progressing. In the interim, the existing public transport network-including frequent bus services along Dublin Road and rail services from Bray DART Station-provides sufficient capacity to support the proposed development. The development is also designed to integrate with these services through direct connections, active travel infrastructure, and future-proofed layouts that accommodate the Luas extension and the Sustainable Transport Bridge.

Item 2 - Alignment with future transportation infrastructure

2(a): Newly prepared drawings are provided which demonstrate how the proposed development is designed to accommodate and safeguard the future provision of the public transport and the pedestrian and cycle bridge to Bray DART station. No buildings are located within the designated bridge landing area. Proposed development will not obstruct or prejudice the future delivery of the bridge link.

2(b): It is noted that the precise alignment and cross section requirements of the Luas Green Line extension to Bray are not yet finalised. However cross section layouts (Figure 3-2) have been developed using reference measurements from the emerging preferred route for the Luas Cork line. Figure 3-3 illustrates the potential Luas line through a section of the proposed development (from the Bray Active Travel Bridge to the junction with the Northern Access Road) and demonstrates that a future Luas alignment can be accommodated within the proposed road cross sections of the proposed Phase 2 development without impacting building lines.

2(c): Newly submitted overlay drawings demonstrate that the Phase 2 development has been designed to integrate with the approved Bus Connects scheme. Proposed road tie-ins at the Upper Dargle Road/Dublin Road and Castle Street/Ravenswell Road junctions are compatible with the permitted layout. As such, the development will not impede the delivery of the Bus Connects infrastructure.

Item 3 – Junctions, Car parking, Road Safety Audit and Visibility Splays

3(a): A newly prepared drawing shows the 3 no. junctions' layout, road markings and cross sections. It is considered that the proposed raised crossings and associated cycle facilities fully accord with recommended Cycle Design Manual treatment for stepped cycle crossings at side roads with priority.

3(b): The proposed approach to car parking within the proposed development is carefully designed to avoid conflict with the road taking-in-charge process. Non-curtilage parallel parking spaces will not be assigned to private individuals or organisations on a permanent or exclusive basis; instead, they will be managed under license by a dedicated management company. This model has been accepted in previous applications and is consistent with practices in other local authorities. It is not anticipated that this arrangement will present any obstacle to taking roads in charge.

3(c): A report is provided outlining how each accepted item from the previously submitted Quality Audit and Road Safety Audit is addressed.

3(d): An updated drawing depicting visibility splays is provided which demonstrates appropriate intervisibility can be achieved at the crossing point at the south-west corner of the proposed development.

Item 4 - TTA

4(a): Further clarifications are provided on the methodology and data sources used in the preparation of the TTA submitted with the planning application.

4(b): Further clarifications are provided on the trip distribution methodology presented in the TTA.

4(c): Further clarifications are provided on modelling and its rationale as presented in the TTA. Traffic redistribution, signal timing optimisation, junction performance and scenario assessment, and supporting sustainable transport and future infrastructure are measures put forward to alleviate the southern access junction operating over capacity.

Item 5 – Cycle Tracks and Crossings

5(a): The proposed design was developed following a thorough, iterative and collaborative process during which the feasibility of a fully segregated cycle track was carefully assessed. While the suggestion to extend the two-way cycle track along the

entire length of this section was considered, the design team concluded that such an approach would not be appropriate due for a number of reasons, as follows:

Physical constraints: Space between Block G and the existing retaining flood wall separating the space from the existing River Dargle walk is limited at the western end of the gateway. A fully segregated two way cycle route significantly reduces and compromises this space.

Landscape integrity and spatial balance: Extending a fully segregated two-way cycle track would significantly compromise the landscape design and quality of this gateway area.

User experience and safety: A continuous segregated track could unintentionally convey a sense of cycle priority over pedestrians, potentially leading to user conflicts. The proposed design promotes shared awareness and interaction, fostering a safer and more inclusive environment.

Permeability and Connectivity: The proposed layout supports the development's core principles of permeability and connectivity. It ensures seamless integration with the pedestrian and cycle bridge that connects to Bray DART Station, enhancing multimodal access without creating physical or perceptual barriers.

Visibility and Movement at the Bend: The proposed configuration maintains clear sightlines and visibility at the bend, which is critical for the safety and comfort of all users. A fully segregated cycle track in this location could reduce visibility and increase the risk of conflict.

The following measures are being incorporated to further reinforce the appropriateness of the current layout:

- Clear signage and wayfinding
- Subtle surface differentiation
- Soft landscaping and street furniture

5(b): While the subject junction in this location is an uncontrolled crossing, it has been designed with a raised table and appropriate signage to clearly communicate the shared nature of the space and guide user behaviour. The presence of multiple raised tables in quick succession along this stretch has effectively created a low-speed zone,

encouraging vehicles to yield to pedestrians and cyclists and reinforcing their priority. Key features such as raised tables, clear signage, soft landscaping, seating areas, and textured pavements work together to create a low-speed, accessible environment that supports intuitive movement and enhances the public realm. It is considered that the final layout, which incorporates shared spaces, reflects a carefully balanced and context-sensitive solution that prioritises accessibility, safety, and a high-quality public realm, while delivering an intuitive experience for all users.

5(c): The provision of three formal pedestrian and cyclist crossings along the primary link street between junctions 1 and 5 as proposed adequately addresses the key pedestrian and cyclist desire lines.

5(d): It is confirmed that all proposed cycle tracks and shared paths within the development have been designed in accordance standards set out in Table 2.2 of the Cycle Design Manual.

5(e) and 5(f): The queries raised under these items are closely aligned with items 5(a) and 5(b) detailed above.

Item 6 – Interface with Iarnród Éireann (IE) property

All of the proposed works are within the ownership boundary of the applicant and there are no proposals to modify or amend the Iarnród Eireann fenceline or amend the public footpath and cycleway.

Item 7 – Block E Justification

Following the planning authority's assessment of proposed Block E's scale height and massing in terms of integration with the receiving environment, the applicant has provided a 'Planning Response,' a submission from the project architects and an Architectural Heritage Assessment Report (AHIA). These responses are summarised below.

Planning Response (prepared by RPS)

- The proposed height of Block E is appropriate, justified and supported by the existing planning policy framework, planning precedents and a design-led masterplan approach.

- Key planning documents including the NPF 2025, the Building Height Guidelines 2018, the RSES and the WCDP provide support for increased building heights and higher densities in well-served, strategic urban locations such as the former Bray Golf Club lands. Increased building heights are recognised as mechanisms to achieve compact, sustainable and sequential growth, housing delivery, urban generation and efficient land-use.
- There are relevant planning precedents that establish acceptability of increased building heights within the lands. The Pizarro Masterplan on the Block E site (2 to 11 storeys) and Sea Gardens Phase 1B adjacent (Block B initially proposed at 12 storeys but permitted at 9 storeys) provided for taller buildings and higher densities in this strategic location.
- The proposed height is the outcome of a comprehensive masterplan-led design process that responds positively to the site context, respects the evolving urban fabric, and complements the wider Sea Gardens development. The LVIA confirms that the proposal will not result in unacceptable visual or amenity impacts.
- The AHIA Report considers that the design will not impact Bray's historic and architectural heritage.
- To conclude, the proposed height of Block E aligns with policy, planning precedents, and high-quality design principles. It contributes positively to the sustainable regeneration and compact growth objectives for Bray and the former Bray Golf Course lands, ensuring that the development benefits both future residents and the wider community.

Architectural Response (prepared by Howells)

- Block E will serve as a visual anchor marking a strong sense of place. The hierarchy of scale allows the tall building to play a pivotal role in defining a new urban identity for Bray. Progression in building height towards the coast allows for optimal sunlight penetration, coastal views and public realm permeability.
- The variety in scale enhances rather than disrupts the town's relationship with its natural surroundings. The variety in scale adds to the natural surroundings.

- New streets prioritise pedestrians and non-motorised transport. Block E fronts directly onto these spaces with active ground floor uses. Block E delivers a range of quality apartments in a high density scheme helping to meet SLO3 objectives.
- Block E is not an isolated structure but is a keystone in a considered sequence of buildings of reducing scale along the coastline. This is a deliberate design approach to ensure coherence, balance and visual harmony. Block E is the pinnacle and landmark of the new quarter and is conceived as a building of metropolitan status.

AHIA (prepared by ARC Heritage Consultants Limited)

- The visibility of Sea Gardens, including of its taller buildings, from historic parts of Bray will be very limited, and from locations from which Sea Gardens cannot be seen it cannot give rise to any impacts on heritage.
- At locations of heritage significance from which it may be visible (which is likely to be confined to a small number of locations on the seafront), the potential for impact will depend on how large a role Sea Gardens, or any structures in that development, play in any view and to what degree they might, or might not, contrast with historic elements also seen in that view.
- The potential for impacts on the setting of architectural heritage is assessed as likely to range in extent from 'imperceptible' to 'moderate' at some locations on Bray seafront, limited to locations from which the development is visible.
- The planning authority through Item 7 of the FI request assert that the height of Block E is likely to give rise to unacceptable impacts on architectural heritage. The Architectural Heritage Impact Assessment has found no evidence that would support that assertion.
- Firstly there is clear evidence that the visibility of Block E will be very limited; and secondly there is no evidence that height, form or architectural expression are likely to be considered by most observers as negative characteristics. It is more likely that people will regard a new housing development as positive.
- Where visible, Sea Gardens will be visible because of its extent not the height of Block E, its one somewhat taller building, analysis of the 42 verified views lodged with the current planning application shows that in 11 of the views much of Sea

Gardens will be visible but not Block E and that Block E by itself is only visible in 2 of the 42 views.

Having regard to the aforementioned documentation submitted, the applicant considers the item is satisfactorily addressed and should not impede the granting of planning permission.

Item 8 - Hotel

A submission on behalf of the applicant details that the proposed provision of 32 dedicated car parking spaces for the 150-bedroom hotel in Block I is appropriate and fully supports the hotel's operational viability. In this regard reference is made to hotel's location, benefiting from excellent public transport accessibility and also precedents from existing hotels in Bray that reduced parking provision is common for hotels in well-connected urban settings and that does not impact on their viability. The response notes the applicant's commitment to a Mobility Management Plan and opportunities for dual parking use within the wider mixed-use development which highlights a sustainable parking strategy.

Item 9 - Retail

The applicant notes the initial drawing provided included an error which identified the retail unit in Block I as convenience goods retail instead of comparison goods.

Item 10 – Block G

An examination is undertaken to show that proposed Block G will not adversely impact on the residential amenity at No. 6 Belton Terrace.

4.3. Planning Authority reports (prepared following receipt of FI)

The **second Planner's report** dated 23rd September 2025 assesses the responses received in connection with the FI request and these are summarised below.

Item 1 Transport infrastructure

- The identified infrastructure which is nearly complete / coming on stream or to be provided as part of the future transport requirements for Bray are noted. Given the strategic location of the development, the accessibility to existing public transport options, national policy and identified potential integration with the future

pedestrian / cycle / road bridge it is considered that the development can be progressed subject to a condition linking the delivery of pedestrian and cycle infrastructure (i.e. pedestrian and cycle infrastructure at Fran O'Toole Bridge) and phasing of the development.

Item 2 – Integration with future transport infrastructure

- Submitted details and drawings are noted and address the concerns raised in terms of tie in with future infrastructure.

Item 3 – Junctions, non in-curtilage car parking, Ravenswell Road cycle track

- Submitted responses have addressed the issues raised in the FI request. A Stage 2 RSA will be required if permission is granted.

Item 4 – Trip distribution rates, modelling and junction performance

- Submitted details are broadly compliant. Conditions should require ongoing monitoring of junction performance with flexibility to adjust the MMP or junction operations if congestion materially worsens.

Item 5 – Permeability design and pedestrian / cycle prioritisation

- Submitted details are noted and address the issues raised.

Item 6 – Iarnród Eireann railway

- Information submitted confirming proposed development does not impinge on the railway line or on any drainage channels. Matter raised is addressed.

Item 7 – Height of Block E

- The information provided in support of maintaining the height of Block E is detailed and noted by the planning authority.
- Precedents cited are of high buildings within Dublin and do not reflect the unique position of Bray, a coastal town defined by Bray Head to the south, the Sugarloaf and hills to the west and the coast to the east with a Victorian seafront.
- The FI does not dwell on the precedent of the appeal decision ABP-314686-22 which identified concerns in respect to the scale of structures at this point.
- It is considered that the impact of Block E will be significant and would detract from the visual amenities of Bray. The building would protrude in the skyline not only

within Bray but in wider views and it will be a dominant feature from the listed view to the south.

- It is considered that Block E should be reduced to mirror the scale of that already permitted, and the proposed hotel. Floors 4, 5, 6, 7, 11 and 12 to be omitted.

Item 8 - Hotel car parking

- The supporting justification for the low level of parking is noted. Having regard to the strategic location of the lands within Bray, the accessibility to public transport and supporting precedents, it is considered that the development would be acceptable/viable.

Item 9 - Retail

- Submitted details are noted and issue has been addressed.

Item 10 - Impact on no. 6 Belton Terrace

- Having regard to the information submitted and the design of the proposed development, it is considered that the proposal will not result in the further diminution of the amenities of this dwelling and is therefore acceptable.

Report from Transportation & Infrastructure Delivery: The **second report** dated 18th September 2025 assesses the responses to the FI request (Items 1 – 5). The vast majority of the FI responses are considered ‘compliant’ or ‘broadly compliant.’ In relation to Item 1 of the FI response, the report raises the concern that the scheme relies on external projects (Bus Connects, DART+ and Luas) which introduce uncertainty and states that no interim measures or occupancy triggers are identified, creating a potential gap in connectivity if those projects are delayed. The report therefore recommends that the development not be occupied until the following have been agreed with the planning authority:

- A Phasing & Dependencies Plan linking Phase 2 occupation to:
 - Delivery of safe pedestrian/cycle links to Bray town centre / DART,
 - Integration with Bus Connects, and
 - Availability of the Sustainable Transport Bridge.
- A Mobility Management Plan with mode share targets, monitoring, and remedial

actions if targets are not achieved.

- Confirmation from the NTA that Bus Connects delivery will align with the development timeline, or else interim sustainable transport measures are provided by the applicant.

The **third report** dated 19th September 2025 from the Senior Engineer may be summarised as follows:

- The transportation requirements for the build-out of the Golf Club lands are set out in BETS 2019. The NTA, TII, Wicklow and Dun Laoghaire Rathdown local authorities worked together to agree the necessary transportation improvements for the further build out of zoned lands in Bray.
- Requirements for the Golf Club lands are out in BETS as follows:
 - Golf Club Lands development roads
 - Overall site layout meets this requirement.
 - Pedestrian and cycle links from the Golf Club to Bray Town Centre
 - These are planned along Castle Street under Bus Connects.
 - Segregated cycle lane already provided along parts of Main Street.
 - Proposed reduced speed limits will enhance opportunities for shared areas.
 - Pinch point for all pedestrian and cycle improvements is at the river crossing.
 - Plan is to provide for two new cycle and pedestrian bridges either side of the Fran O'Toole bridge and NTA are presently funding progression of these bridges and timelines for delivery are being determined.
 - Funding of project is subject to a request from NTA for shared funding toward the construction of the bridges and the source of this match funding is yet to be agreed.
 - The pedestrian and cycle links necessary for the Golf Club lands will be significantly enhanced by provision of these new bridges.
 - Ideally the delivery of this infrastructure would be linked to the phasing of the Bray Golf Club lands development.

- Dublin Road bus priority (part of Bray Core Bus Corridor)
 - Planning consent since granted for core bus corridor to Bray from the city centre under Bus Connects and CPO of necessary lands has commenced. The bus service element of Bus Connects is well advanced providing improved bus services to Bray and environs. These improved services will facilitate build out of the subject lands.
- Public transport, pedestrian and cycle bridge from the Golf Club Lands to Bray DART station for future use by Luas
 - Significant delays encountered, associated with environmental and other issues arising. This is now viewed as a longer-term project.
 - Delivery of the new pedestrian and cycle bridges at Fran O'Toole bridge will provide the necessary capacity enhancement for cyclist and pedestrian traffic.
 - Proposed new urban street limits will provide opportunities for shared areas to accommodate increased pedestrian and cycle movements through the town.
 - Critical element is the delivery of the aforementioned bridges and this should have a phasing link to further development in the Golf Club lands.
 - A completion date of Q4 2027 is projected subject to securing necessary funding.
- Development of interchange at Bray DART Station
 - This work has been completed and officially opened in September 2025.
- Commitment to the phased introduction of bus and enhanced rail services in line with increased demand.
 - This is a matter for the NTA working with Irish Rail and bus operators.
 - The transport submission for the further build out of the Golf Club lands substantially meets the requirements set out in BETS.
 - It is advised that a condition linking delivery of pedestrian and cyclist infrastructure (i.e. pedestrian and cycle bridges at Fran O'Toole bridge) and

phasing of the build out of the development be included in any grant of permission.

4.4. Decision

The planning authority decided to grant permission on the 30th of September 2025 subject to 30 no. conditions. Noteworthy and relevant conditions are as follows:

C2. The proposed development shall be amended such that the height of the proposed 15 storey element of Block E shall be reduced by six storeys through the removal of floors 4,5,6,7,11 and 12. Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

This condition effectively reduced the number of residential units from 341 to 297 (Floors 4 to 7 inclusive proposed 8 no. 2 bed apartments per floor, while floors 11 and 12 proposed 6 no. 2 bed apartments per floor).

C5.(a) The development shall be carried out in accordance with the phasing scheme submitted subject to the following amendments, and shall be agreed in writing by the Planning Authority prior to the commencement of development –

i. No development shall commence on site until such time as the pedestrian and cycle infrastructure at the Fran O'Toole bridge has commenced.

ii. No occupation of any residential / commercial unit shall take place until such time as the pedestrian and cycle infrastructure at the Fran O'Toole bridge has been completed, unless otherwise agreed in writing by the Planning Authority.

iii. No occupation of any commercial / residential unit shall take place until the southern road access is complete unless otherwise agreed in writing by the Planning Authority.

REASON: To ensure the timely provision of services, for the benefit of the occupants and commercial operations of the development.

C6. Before development commences, the developer shall pay the sum of € 4,354,683 (four million three hundred and fifty four thousand and six hundred and eighty three euro) to the Planning Authority as a contribution in respect of public infrastructure and

facilities benefiting development in the area of the Planning Authority. The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme.

REASON: The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

C16. Monitoring of the proposed southern access junction shall take place upon this junction becoming operational, and such monitoring shall accord with the requirements of the Roads Authority. Where necessary adjustments shall be made to junction operations as required by Roads Authority, and under their supervision.

REASON: In order to ensure a satisfactory standard of development in the interests of traffic Safety.

4.5. **Third Party Observations to the Planning Authority**

Multiple third party submissions were received in respect of the proposed development including a number of signed petitions. Matters raised are set out in the first Planning Officer's report as follows:

- Scale of Apartment development Block E excessive, result in visual blight.
- Mute Swan Sanctuary located adjoining Block E, and this block is in flight path for such protected swans, the development will have a negative impact on the swans.
- Need to fully set out exact glazing treatments.
- Development premature pending the update of the Bray Municipal Area Local Area Plan currently under review, and inconsistencies/ flawed analysis in respect to flood risk and land use in the existing LAP, will need to be reviewed as part of that process.
- Closure of Herbert Road access will impact negatively on Bray, and will have implications for this development, proposal is therefore premature.
- Substantial evidence of site flooding contrary to the Application Form details.
- Flood defences failed at this location in 2015-2016.

- Development is fully in floodplain which will be removed as part of this application.
- Phasing of Applications on Golf Club lands has undermined the sequential approach set out in the Flood Guidance.
- Flood Zone A extends beyond that identified in the Flood Assessment.
- Phase 3 will be constructed in a flood zone, and the phasing of the applications will result in this required for development given that the 2ha open space provisions has been met.
- Unsafe to place a Childcare Facility in Flood Zone A or Flood Zone B.
- FRA recognises the dangers of putting residential development in Flood Zone A given the identified mitigation measures i.e. raise levels, demountable barriers etc.
- The existing Flood Defences cannot guarantee complete protection.
- Loss of Floodplain and flood routing will impact on existing residential areas in Bray.
- Document downplays sites flood zoning with EIA omitting key hydrogeological modelling data and does not account for climate change impact.
- Closure of Castle Street/ Ravenswell road junction makes sense, as the road running parallel to Castle Street rises quickly to north thus creating blockage on flood path from Dwyer Park, this should be realigned to climb at a gentler grade, thus free flood path.
- Should consider joined public park from People's Park to the sea thus providing environmentally, socially and aesthetically designed areas, and preserving flood plain, and loss of such areas would lead to environmental devastation.
- Floodplains are vital, living parts of the environment absorbing flood waters, supporting biodiversity, and offering resilience in the face of climate change.
- Economic/ Social implications of flood damage i.e. costly repairs/rebuilding , devaluation of property, disruption of communities, displacement of residents, loss of essential services.
- Traffic in Bray already significantly congested development will add significantly to this impact and result in a severe negative impact.

- Dublin Road already chronically congested, development will result in gridlock.
- Current road network not adequate to cater for additional traffic.
- Increase in traffic, increase risk to children crossing roads.
- Over-reliance in documents on public transport options which will not be in place when this development is completed, and therefore development will be highly reliant on cars.
- Closure of Junction to site from Castle Street, opening of new entrance at Sunnybank through old Ravenswell Convent Avenue, and coupled with Herbert Road junction will have significant negative impacts on traffic.
- Development applied for and future give rise to 1273 homes, 34,700sqm of commercial/retail facilities and 1,600 car spaces creating completely unacceptable traffic impacts and disproportionate impacts on existing residents in this area.
- Existing yellow box at junction of Ravenswell Road to Main Street blocked by turning movements from Ravenswell Road and this development will exacerbate that.
- Need for a considered and cohesive traffic management plan before permission could be considered for the development of the lands.
- New Bray Municipal District Traffic and Transport Sub-committee has only started, and need to develop a coherent traffic and Mobility Plan.
- Over 80% of Bray traffic is local with weekend congestion from those visiting the town further adding to the significant congestion in Bray. The expected increase in population in Bray and the adjacent areas of Dun Laoghaire Rathdown demands a commensurate commitment to providing for sustainable transport infrastructure to cope with this increase, including the inevitable additional vehicular traffic into and out of Sea Gardens. Without solutions to the considerable increase in traffic congestion that is currently plaguing Bray and only going to get worse in the absence of implementation of coherent traffic and mobility planning, the quality of life of residents, both existing and newly arriving, will greatly suffer and the economic activity of the town will be severely damaged.
- Area of Riverwalk to Fran O'Toole Bridge is a habitat for birds , swans, etc.

- Development of Phase 3 has potential to severely impact on habitat, birds, bats along the Dargle River.
- Location of Apartment Blocks along river walk would be visually unacceptable, and impact on amenity of this area.
- Incorrect ground levels, various ground levels quoted in the documents submitted.
- Loss of trees a concern as they provide excellent habitat for a range of species.
- Impact of works already ongoing has seen destruction of feeding areas for birds and mammals, and no EIA can be carried out by applicant or WCC for proposed bridge and access road as lands have been compromised already.
- No EIA/AA on transport bridge by WCC, and therefore both projects will have negative impacts.
- Evidence of otters at the mouth of the harbour, the Appropriate Assessment does not adequately address this matter.
- Note court case in relation to previous application with respect to dismissal of otters in terms of AA, permission for this application should not be made prior to the settlement of that argument.
- Phase 1 of the Sea Gardens has resulted in a vibrant, attractive, and well-integrated neighbourhood. Phase 2 represents a valuable and timely addition to the area.
- Given housing crisis there is a need for this development, and will provide much-needed housing options for individuals and families, helping to ease pressure on the local and national housing market.
- Positive inclusion of "15-minute city" - a model that promotes walkable communities.
- The integration of residential units with green space, amenities, and accessibility to local services result in liveable and sustainable towns into the future.
- This development will have a positive impact on local businesses by increasing footfall.

- Traffic congestion is a valid concern, important to recognise that resolving broader infrastructural and traffic management issues are not solely responsibility of developer but the responsibility of local authorities and national transport planning.
- Development already undergone rigorous Flood Impact Assessment, and have integrated specific mitigation measures into design.
- Development will enhance local community aligning with growth needs of area.
- Development will provide improved services, public spaces, market places, crèche, gym, hotel, café , retail, and medical facilities.
- Development will provide for jobs for local community both from construction and operation.
- Positive provision of childcare facilities and medical centre badly needed.
- Development supports more walking and cycling.
- Density appropriate given proximity to M11 and the DART.
- Visually acceptable with taller elements of the development.
- Completion of Phase 2 will ensure safer area for Phase 1 of Sea Gardens given current vacant lands.
- Not developing these lands would represent a waste of public money €47m used to build flood defences.
- Development footprint planned to allocate the highest risk areas to landscape public parks and green spaces and not buildings to protect from flooding.
- SuDS, Emergency egress routes have been incorporated into design to protect.
- Wildlife and Habitat protection have been built into the design.
- Consider carparking ratio more appropriate in Phase 2 to support family needs.
- Proposal aligns with local development plans and national planning policies, supporting a well-managed urban development.
- Plans consider existing structures, traffic flow, and environmental concerns ensuring that any disruptions are minimal and managed effectively.

- Information on EIA / application documents not accessible and therefore could seem to undermine public consultation contrary to Aarhus Convention.
- Overdevelopment of Riverine Coastal Area.
- Bray Harbour and Dargle River and its tributaries have ecological connectivity with sea and protected species such as European eel could be adversely impacted by development.
- Need to have regard to Swedish Logging Case and Environmental Liability Act.
- Cumulative Impact has not had regard e.g. Dublin Array Wind Farm, Codling Bank, Coastal Works marine licence.
- Approving development contrary to NPF, Flood Risk Guidelines and WCC statutory obligation to apply consistent decision making.
- Proposed development includes building of significant height yet Bray has only a part-time fire service with limited resources, therefore unacceptable risk.
- Higher building to rear of Dwyer Park will result in loss of light and dwarf Dwyer Park.
- Structural Damage concern due to pile driving and impact on foundations.
- Gates at 14 Dwyer Park: unclear if they will result in walkway, with increased footfall there will be increased noise.

The main areas of concern from third parties, as noted in the Planning Officer's first report, are as follows:

- Flooding/Loss of Flood Plain.
- Impact on Mute Swans/Flight Paths.
- Impact on Otter/Biodiversity.
- Traffic Impacts/Traffic Congestion.
- Scale of Block E/Visual Impact.
- Impact on Existing Residential Units from Scale of Proposed Adjoining Development Overbearing/Daylight.
- Provision of Housing, Services, Amenity to meet needs of Community/Area.

4.6. Prescribed Bodies

The planning authority invited the following bodies to comment on the proposed development: the Arts Council, Failte Ireland, An Taisce, Inland Fisheries Ireland (IFI), Irish Rail, Department of Housing, Local Government and Heritage (DHLGH), Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, National Transport Authority (NTA), the Heritage Council and Transport Infrastructure Ireland (TII). Submissions were received from the NTA, TII and Irish Rail and these are summarised as follows:

TII:

- Requests that the planning authority has regard to provisions of official policy for development proposals, namely to proposals impacting national roads, Spatial Planning and National Roads Guidelines for Planning Authorities, relevant TII publications and proposals impacting the existing light rail network, TII's Code of engineering practice for works on, near or adjacent the Luas light rail system.

NTA:

- Proposed use of site and residential density is appropriate for this area.
- Strong potential to accommodate a high modal share for sustainable transport modes given location adjacent to Bray town centre.
- Permitted Bus Connects design does not appear to be overlayed on submitted maps. Applicant should demonstrate that the design can be integrated with the permitted Bus Connects design.
- Extend the proposed two-way cycle track along the entire length of proposed south-west active travel access point to Castle Street.
- Provide for pedestrians and cyclist priority at the proposed junction of the south-west access point and the link road.
- Consider the provision of further active travel crossing points along the proposed primary link street.
- Ensure all cycle tracks and shared space areas are designed in line with the desirable minimum widths that are set out in Table 2.2 of the Cycle Design Manual.

Irish Rail / Iarnród Éireann:

- Iarnród Éireann made a submission outlining issues regarding development near the railway. Item 4 of the submission notes it is usually the case that drainage channels running parallel to the railway at the crest of cuttings and the toe of embankments fall within the original land take for the railway corridor. It is therefore possible that the proposed development encroaches onto Iarnród Éireann lands.

5.0 Planning History

Appeal site and adjoining lands

Wicklow County Council **Reg. Ref. 2460455** refers to a September 2024 decision for revisions and extension of an existing internal road at the former Yarns site (presently Lidl) to connect to the Religious Sisters of Charity complex to the Dublin Road and closure of existing vehicular access at the Dublin Road/Upper Dargle Road junction and all associated site works.

An Bord Pleanála Ref. ABP Ref. **PL.39.230246** / Bray Town Council Ref. 07/630194 refers to a June 2010 decision to grant permission for a mixed-use development comprising demolition of existing buildings and construction of 603 residential units, 57,967 sqm of gross retail floor area (excluding storage), 5,797 sqm of office, 8 screen cinema with floor area of 5,237 sqm, a 103 no. bedroom hotel, 6 no. bars, 11 no. restaurants, 2 no. crèche, 1 no. doctor's surgery, 1 no. community building, 1 no. dentist surgery, GAA pitch; community elements; ancillary parking and other infrastructure. An extension of duration was granted under WCC Reg. Ref. 20672, and this consent expired in 2025.

Lands to the north

An Coimisiún Pleanála Ref. **ACP-324074-26** / PA Reg. Ref. LRD25A/0644/WEB refers to a May 2026 decision to grant permission for a Large Scale Residential Development (LRD) comprising 159 residential units (150 no. apartments in two blocks and 9 townhouses), car and bicycle parking, landscaping, drainage and all site works, at the site of the former Bray Golf Club Lands off the Dublin Road and Ravenswell Road, Bray, Co. Dublin, in the administrative area of Dun Laoghaire Rathdown County Council.

An Bord Pleanála Ref. **ABP-314686-22** refers to an August 2024 grant of permission for a Strategic Housing Development (SHD) application relating to change of use of former golf course, construction of 586 no. residential units (76 no. houses, 348 apartments, 162 no. Built to Rent apartments), creche and associated site works at Former Bray Golf Club lands, off Ravenswell Road and Dublin Road, Bray, Co. Dublin and Co. Wicklow. Condition no. 2 (a) of the permission requires the height of the proposed 12-storey element of Block B to be reduced by three storeys through removal of floors 7 to 9. At the time of writing, this application is subject to Judicial Review proceedings.

An Bord Pleanála Ref. **ABP-311181-21** refers to a December 2021 split decision relating to a SHD application for construction of 591 no. residential units (76 no. houses, 515 no. apartments), childcare facility and associated site works at Former Bray Golf Club lands, off Ravenswell Road and Dublin Road, Bray, Co. Dublin and Co. Wicklow. Permission was refused for Blocks A and B (357 apartments) due to poor design in terms of façade treatment and architectural expression in combination with their disposition on the site and consequent non-compliance with criteria set out under section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities. Permission was granted for all other aspects of the proposed development.

Planning Authority **Ref. 2560681** refers to an October 2025 decision to grant retention permission for amendments to the SHD permitted under ABP-311181-21 relating to (a) relocation of vehicular entrance to under-croft car park for Block C, (b) reconfiguration and changes of ground floor uses of Block C and (c) minor alterations to ground floor external elevations, all at Block C, Sea Gardens, Former Bray Golf Club Lands, Off Ravenswell Road and Dublin Road, Bray, Co. Wicklow.

An Bord Pleanála Ref. **PL06D.230215** / DLRCC PA Ref. D07A/1495 refers to a June 2010 decision for a mixed-use development to include 348 no. residential units; 1 no. retail unit, 1 no. cafe; associated parking, roadworks, landscaping, site development and service works. The permission has now expired.

Other sites in surrounding area

An Bord Pleanála Ref. **PL06D.244874** and P.A. Reg. Ref. D15A/0112: Permission granted in 2015 for an access road to serve schools within the former Bray Golf Club

lands.

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

Bray Sustainable Transport Bridge

- Under ABP Ref. **JN27.313685**, the Board decided in December 2022 that a NIS is required for the construction of the Bray Sustainable Transport Bridge in the townlands of Bray, Bray Commons and Ravenwell. The proposed bridge would cross the Dargle near the mouth of the river and connect the Bray station area with Dublin Road.

- Under **ABP-320608-24** (December 2024) the Board decided that an EIAR is required for the construction of the Bray Sustainable Transport Bridge in the townlands of Bray, Bray Commons and Ravenwell. To date, no application has been received by the Commission for this bridge.

Bus Connects

Under ABP Ref. **317742-23** approval was given in January 2025 for construction of the Bray to City Centre Core Bus Corridor Scheme. The route terminates on Castle Street in Bray on the northside of the River Dargle.

6.0 Policy Context

National Planning Policy

6.1. Project Ireland 2040 National Planning Framework (NPF) – First Revision (April 2025)

The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable 'compact growth' approach to the form and pattern of future development. It is focused on delivering 10 National Strategic Outcomes.

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure. NPOs for appropriately located and scaled residential growth include:

NPO 2: The projected level of population and employment growth in the Eastern and Midland Regional Assembly area will be at least matched by that of the Northern and Western and Southern Regional Assembly areas combined.

NPO 3: Eastern and Midland Region: approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million; Southern Region: approximately 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016-2040) i.e. a population of just over 2 million.

NPO 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

NPO 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

NPO 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

NPO 43: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

NPO 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.

NPO 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

6.2. Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness

This Action Plan aims to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030, which will be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies, the Land Development Agency, and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. This is a wide-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

6.3. Climate Action Plan (CAP) 2025

CAP 2025 is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. It lays out a roadmap of actions which will ultimately lead Ireland to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. It should be read in conjunction with CAP 2024.

6.4. Ireland's 4th National Biodiversity Action Plan 2023-2030

This aims to deliver the transformative changes required to the ways in which we value and protect nature. It strives for a 'whole of government, whole of society' approach to the governance and conservation of biodiversity. The aim is to ensure that every

citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to ‘act for nature.’

Section 28 Guidelines

6.5. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements. According to Census 2022 Bray which is the largest town in Co. Wicklow, has a population of 33,512 people and is identified within the WCDP 2022-2028 as a Level 1 Key Town in the Metropolitan Area. I consider the subject site to be within the ‘Centre and Urban Neighbourhoods’ category in the context of a Metropolitan town with a population of more than 1,500, having regard to Table 3.3 which ‘includes (i) the town centre and immediately surrounding neighbourhoods, (ii) strategic and sustainable development locations, and (iii) lands around existing or planned high capacity public transport nodes or interchanges (defined in Table 3.8). In my opinion, the subject lands fall within category (iii) above. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 150 dph (net) shall generally be applied in the centres and in urban neighbourhoods of Metropolitan Towns.

6.6. Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. The Guidelines outline broad principles for the consideration of proposals which

exceed prevailing building heights. They caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities. SPPR 3 outlines that, subject to compliance with the criteria outlined in section 3.2 of the Guidelines, the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)

The minimum floor area for one-bedroom apartments is 45sqm, for two-bedroom apartments it is 73sqm and for three-bedroom apartments it is 90sqm. Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3sqm storage for one-bedroom apartments, 6sqm for two-bedroom apartments and 9sqm for three bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.

I note that the Planning Design Standards for Apartments, Guidelines for Planning Authorities were published on 8th of July 2025. Section 1.1 of the guidelines state that they only apply to planning applications submitted after the publication of the guidelines. I am therefore satisfied that these Guidelines are not relevant to the current appeal given that this planning application was lodged in March 2025.

6.7. Policy context relating to Contribution Conditions

- Development Contributions, Guidelines for Planning Authorities (DEC&LG) 2013

The Guidelines note that under section 48 of the Planning and Development Acts, planning authorities must draw up a development contribution scheme in respect of certain public infrastructure and facilities provided by, or on behalf of, the local authority that generally benefit development in the area. All planning permissions granted are subject to the conditions of the development contribution scheme in operation in the area of the planning authority.

The Guidelines note that the *‘practice of “double charging” is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing “planning gain” in an equitable manner. Authorities are reminded that any development contribution already levied and paid in respect of a given development should be deducted from the subsequent charge so as to reflect that this development had already made a contribution.’*

- Development Management Guidelines (Department of the Environment, Community and Local Government 2013)

Section 7.12 refers to conditions requiring development contributions (sections 48 and 49 of the Planning Act), advising that development contribution conditions may only be attached if they accord with the provisions of either section 48 or section 49 of the Planning Act and these are based on the application of the terms of one or more development contribution schemes which have been formulated and adopted in accordance with those sections of the Act, or on the need for a special financial contribution.

6.8. Other relevant national / Section 28 Guidelines are as follows:

- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).
- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the ‘Flood Risk Guidelines’).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Childcare Facilities – Guidelines for Planning Authorities (June 2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education Scheme (the ‘Childcare Guidelines’).

- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (July 2023).

Regional Policy

6.9. Regional Spatial and Economic Strategy (RSES) 2019-2031

The RSES provides for the development of nine counties / twelve local authority areas, including Wicklow County Council. It is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives (RPOs). It provides a framework for investment to better manage spatial planning and economic development throughout the region. Bray is designated as a 'Key Town' within the Dublin Metropolitan Area.

The Dublin Metropolitan Area Strategic Plan (MASP) promotes compact sustainable housing delivery and integrated transport and land use. It seeks to focus on several large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Bray is identified as a key node on the north-south DART corridor.

Lands at the former Bray Golf course are identified for development of new residential communities and it is stated that the delivery of new high-density mixed-use development will provide for consolidation within the established town. With regard to infrastructure, Table 5.1 of the RSES notes that short term aims include access to Bray station and Public Transport bridge.

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

RPO 4.37: Lands at the former Bray golf course are identified for the development of new residential communities and high density mixed-use development; transport agencies to facilitate the delivery of key infrastructure required for the westward extension of the town.

RPO 4.38: Support the development of Bray as a strategic employment location with an emphasis on attracting high value investment in 'people' based industries.

RPO 4.39: To promote the consolidation of the town centre with a focus on placemaking and regeneration of strategic sites.

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

RPO 4.41: Encourage transition towards sustainable and low carbon transport modes through promotion of alternative transport modes.

6.9.1. **Other noteworthy Strategies / Studies:**

The Greater Dublin Area Transport Strategy 2022-2042 sets out a framework aiming to provide a sustainable, accessible and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy. As part of this GDA Transport Strategy the NTA has prepared an Area Based Transport Assessment (ABTA) for Bray and Environs (November 2021) which focuses on overall transport needs for the area that emphasise the need for modal shift to sustainable transport options including public transport and active travel.

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

Local Policy

6.10. **Wicklow County Development Plan (WCDP) 2022-2028 as varied**

The WCDP 2022-2028 is the operative Plan for the area.

Core Strategy

Chapter 3 relates to Core Strategy.

Variation No. 5 (formerly named as Variation No. 6) to the WCDP 2022-2028 was adopted and came into effect on 30th March 2026. It relates to Chapters 1 (Introduction and Strategic Context), 3 (Core Strategy) and 6 (Housing). Variation No. 5 has revised the Wicklow Core Strategy and associated housing targets, a number of related housing objectives in order to take account of *NPF Implementation: Housing Growth*

Requirements' - Guidelines for Planning Authorities, issued under Section 28 of the Planning & Development Act 2000 (as amended), and the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (2024).

In terms of population projections for Wicklow, the 2026 estimates are between 155,000 and 157,500, and between 160,500 and 164,000 for 2031, from the 2016 base of 142,500.

Table 3.1 sets out Housing Targets for County Wicklow 2025-2040. The new annual housing growth requirement for County Wicklow to 2034 is given as 2068 units.

The new housing target for the period Q1 2025 to Q2 2028 is 7,238 units.

The new housing target for the period Q1 2025 to Q4 2031 is 14,476 units.

The new housing target for the period Q1 2025 to Q4 2040 is given as 26,266 units.

Table 3.2 sets out the Wicklow Settlement Hierarchy with Bray identified as a Key Town within the Metropolitan Area.

In terms of Core Strategy, Variation No. 5 (and Table 3.3) sets out housing growth in Bray of 6,299 units between 2022-2031. Table 3.3 outlines the rationale behind the housing growth for Bray as follows:

Key Towns are identified for substantial growth rates of not less than 50% having regard to their identification in the RSES as towns suitable for higher levels of growth. Bray is well located with respect to the Metropolitan Area to absorb housing demands arising in the Metropolitan Area and is served by DART. As Bray is geographically constrained by the County boundary, the coast and Bray Head / Little Sugarloaf, it is considered that 50% is the highest rate achieved in the short to medium term.

Table 3.5 indicates that Bray has a housing growth target of 5,526 units for the period 2025-2031. Footnote 13 clarifies that this is the new target 2022-2031 as set out in Table 3.3, less the units already delivered from Q3 2022 to Q2 2025.

Settlement Strategy

Chapter 4 relates to Settlement Strategy and Bray is a Level 1 Metropolitan Key Town.

CPO 4.2: To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development

on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

CPO 4.6: To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.

Town and Village Centres

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

Housing

Chapter 6 sets out relevant policies and objectives, summarised as follows, to guide the delivery of new housing.

Table 6.1 identifies a density range of 50 dph – 150 dph for Centre and Urban Neighbourhood sites within the Key Town of Bray (Metropolitan Town with a population greater than 1,500). The 'centre' and 'urban neighbourhoods' category in Metropolitan Towns includes: (i) the town centre and immediately surrounding neighbourhoods, (ii) strategic and sustainable development locations, and (iii) lands around existing or planned high capacity public transport nodes or interchanges (defined in Table 3.8 of the Compact Settlement Guidelines).

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 6.5: To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:

- Strengthening the character and urban fabric of the area;
- Reinforcing local identity and sense of place;
- Optimise the opportunities afforded by the historical and natural assets of a site / area.
- Providing a coherent, legible and permeable urban structure;

- Promoting an efficient use of land;
- Improving and enhancing the public realm;
- Conserving and respecting local heritage;
- Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;
- Promoting accessibility for all; and
- Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.

CPO 6.7: The design and layout of new residential and mixed-use development shall deliver highly permeable, well connected streets which facilitate active street frontage in accordance with best practice set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DEHLG May 2009) and the Design Manual Urban Roads and Streets (DTTS & DECLG 2013).

CPO 6.8: Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time and in particular to require that all new residential developments in excess of 20 residential units to provide a minimum 5% universally designed homes in accordance with the requirements of 'Building for Everyone: A Universal Design Approach and the Universal Design Guidelines for Homes in Ireland (2015) .

CPO 6.13: Require that new residential development represents an efficient use of land and achieves the densities as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH 2024) - Table 6.1. achieves the minimum densities as set out in Table 6.1.

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

CPO 6.16: To encourage and facilitate high quality and well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape.

CPO 6.17: Facilitate higher buildings subject to compliance with the assessment criteria set out in Section 3.2 of the Urban Development and Building Heights Guidelines.

CPO 6.18: To ensure that building height within future development makes a positive contribution to the built form of the area, is not obtrusive and does not adversely impact on the streetscape, local amenity or views. Require all development proposals, including infill development, to include an analysis of the impact of building height and positioning of buildings on:

- The immediate & surrounding environment - streetscape, historic character;
- Adjoining structures;
- Open spaces and public realm;
- Views and Vistas.

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

CPO 6.27: To require new multi-unit residential development to provide an appropriate mix of unit types and sizes.

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

Social and Community Development

Chapter 7 identifies that community facilities and community development are fundamental elements in the creation of sustainable communities and supporting a good quality of life. Relevant policies and objectives, summarised as follows, include:

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

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

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

Economic Development

Chapter 9 sets out objectives for sustainable development of the local economy.

CPO 9.1: To support all forms of employment creation, especially where this can mitigate long distance commuting, subject to the proper planning and sustainable development of the area and compliance with all other objectives of this plan. Strategic employment development will be directed into the towns of Bray, Wicklow-Rathnew, Arklow, Greystones and Blessington.

Retail

A key objective identified in Chapter 10 is *to promote and encourage the major enhancement of retail floorspace, primarily comparison goods and town centre functions in Bray and Wicklow Town, to sustain their competitiveness and importance as Key Towns / Major Town Centres.*

Table 10.1 'Retail Hierarchy & Strategy for County Wicklow' notes the following in respect of Bray:

Bray is a key town and Wicklow's largest settlement. Bray should provide for a high level retail function serving a wide catchment. It is therefore envisaged that Bray will provide a full range of all types of retail from newsagents to specialist shops and boutiques, large department stores, foodstores of all types, shopping centres and high levels of mixed uses including the arts and culture to create a vibrant living place. The town will be a focus for medium and higher quality comparison goods. The centre should be well connected and served by high quality public transport. Bray should provide for the 'big shop' convenience needs of its residents and other settlements in the vicinity including Enniskerry, Kilmacanogue and Shankill. The centre has the opportunity to provide for the comparison shopping needs of a much wider catchment beyond its more immediate environs, particularly extending south and north to other settlements along the N11. Residents and visitors should have access to a range of quality leisure and cultural activities.

Having regard to the above, it is the priority of the Planning Authority to:

- promote and encourage the major enhancement of retail floorspace, primarily comparison goods and town centre functions in Bray to sustain its competitiveness and importance as a Major Town Centre;*
- facilitate the significant expansion in the amount and range of comparison floorspace, particularly floorspace for middle and higher order comparison goods;*
- facilitate the delivery of a large scale retail development within the core retail area on the 'Bray Town Centre' (formerly known as 'Florentine') development site;*
- facilitate the delivery of a large scale retail development on the former Golf Club lands; and*
- facilitate the extension of the Luas to Bray.*

CPO 10.4: To promote and facilitate the development of retail in a sustainable manner. Retail related development shall be located on suitably zoned land within settlement boundaries. There shall be a general presumption against the development of retail uses within the rural area, except as otherwise provided for by a particular objective of this plan.

Tourism and Recreation

Chapter 11 notes that tourism and recreation make positive contributions to the economic and social wellbeing of Co. Wicklow.

CPO 11.38 seeks to encourage and facilitate routes/trails including an amenity and active travel route between the Bray Harbour area northwards to the Dun Laoghaire Rathdown administrative area to provide for future connection to Woodbrook DART station.

Sustainable Transport

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

Relevant policies/objectives can be summarised as follows:

CPO 12.2 To reduce journey times, length, congestion and increase the attractiveness of public transport.

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

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

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

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

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

Water Services and Flood Risk Management

Chapters 13 and 14 outline policies and objectives relating to water infrastructure, water quality, and flood risk management.

Relevant objectives are summarised as follows:

CPO 13.3 To minimise alterations or interference with river / stream beds, banks and channels except for reasons of overriding public health and safety (e.g. to reduce the risk of flooding).

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

CPO 13.22 To promote the use of green infrastructure, such as swales and wetlands, where feasible as landscape features in new development to provide storm / surface runoff storage and reduce pollutants, as well as habitat, recreation and aesthetic functions.

CPO 13.3 To minimise alterations or interference with river/stream beds, banks and channels; a buffer of generally 25m along watercourses should be provided (or other width as determined by the Planning Authority).

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

Natural Heritage and Biodiversity

Chapter 17 (as altered by Variation No. 3) sets out strategies and objectives with regard to natural heritage, biodiversity, and landscape conservation. The site is classified as an 'Urban Area' within the Wicklow Landscape Category Map (Map No. 17.09A (As Altered)) and is deemed suitable for development.

Relevant objectives are summarised as follows:

CPO 17.18 To promote the preservation of trees, groups of trees or woodlands in particular native tree species, and those trees associated with demesne planting, in the interest of the long-term sustainability of a stable ecosystem amenity or the environment generally, as set out in Schedule 17.05 and Maps 17.05 and 17.05A - H of this plan.

CPO 17.20 Development that requires the felling of mature trees of environmental and/or amenity value, even though they may not have a TPO in place, will be discouraged.

CPO 17.21 To strongly discourage the felling of mature trees to facilitate development and encourage tree surgery rather than felling if such is essential to enable development to proceed.

CPO 17.22 To require and ensure the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of the development management process, and require the planting of native broad leaved species, and species of local provenance in all new developments.

CPO 17.35 All development proposals to have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

CPO 17.38 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

Green Infrastructure

Chapter 18 emphasises the importance of Green Infrastructure and its overlap with many other aspects of the WCDP.

Coastal Zone Management

Chapter 19 outlines that the county has been divided into coastal ‘cells’. It notes that ‘Cell 1 Bray Town’ has huge symbolic, cultural, social and economic importance and that its character must be preserved.

Relevant aspects can be summarised as follows:

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

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

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

Development and Design Standards

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

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

2.1 – Roads and Transport, including parking standards.

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

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

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

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

6.11. Wicklow County Council Development Contribution Scheme

The Wicklow County Council Development Contribution Scheme was adopted on the 5th October 2015 and updated as of 22nd July 2025. Table 3.1 sets out the classes of public infrastructure and facilities in respect of which contributions will be sought. Tables within section 4 outline the basis for the determination of contributions for residential, industrial/commercial development and miscellaneous development. Table 5.1 relates to categories of development which will be exempted from the requirement to pay development contributions or will pay a reduced rate. Appendix 1 provides a list of projects for the various classes of public infrastructure and facilities. This includes a reference to the subject lands on page 13 under the heading ‘Class 1 Public Infrastructure & Facilities – Roads & Transport’ which states ‘*Golf Club Lands Transport Infrastructure inc Bridge, Bray.*’

6.12. Bray Municipal District Local Area Plan (LAP) 2018-2024

Status

This 6-year LAP was adopted in May 2018 and came into effect on 10th June 2018 and it includes the settlements of Bray, Enniskerry and Kilmacanogue.

While the 6 year period associated with this LAP has expired and it has not been extended, I note the following text on Wicklow County Council’s website which states: *This is the current local area plan for the area of Bray MD. This local area plan forms part of the current Wicklow County Development Plan 2022.*

In this context I also note that under section 3.4 ‘Zoning’ of the WCDP 2022-2028 the following is stated:

As part of the new LAP adoption process for the settlements of Wicklow Town – Rathnew and Blessington, the land use zoning and key development objectives maps

for these LAP settlements / areas were integrated into Volume 2 of the County Development Plan by way of variation (Variations 2 and 3).

For the remaining settlements (Bray, Enniskerry, Kilmacanogue, Greystones – Delgany, Kilcoole and Arklow), ‘Local Planning Frameworks’ (which will replace their existing current LAPs) which set out settlement specific objectives including land use zoning and key development objectives maps are to be integrated into Volume 2 of this County Development Plan by way of variation. Until they are replaced, the existing current LAPs for these settlements form part of this County Development Plan.

Having regard to the foregoing text of the WCDP 2022-2028, this has the effect of the provisions of the Bray Municipal District Local Area Plan 2018-2024 remaining in place until such time as it is reviewed.

Zoning

The subject lands are zoned Mixed Use: ‘To provide mixed use development’ under the Bray Municipal District Local Area Plan 2018-2024.

Context

The lands are part of a larger area zoned Mixed Use. The plan provides that 35% of all new housing is targeted to occur on ‘greenfield,’ ‘brownfield’ or vacant sites, including 1,000 units on the former Bray golf club lands.

Section 2.2.3 Population and Housing

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

Chapter 3 - Residential Development

Relevant objectives are summarised as follows:

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

R3 – Housing development shall be managed and phased to ensure infrastructure, particularly community infrastructure, is provided to meet the needs of residents.

R4 – Encourage in-fill housing developments, the use of under-utilised and vacant sites and facilitate higher residential densities at appropriate locations subject to high standard of design, layout and finishes.

Chapter 5 - Town / Neighbourhood Centres & Retail

Relevant objectives are summarised as follows:

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

RT1 – To promote and facilitate the development of retail developments in a sustainable manner. Retail related development shall be located on suitably zoned land within settlement boundaries.

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

BT3 – Generally, a height of 4 storeys (including ground floor) will be considered appropriate in the Bray ‘town centre’ zone, irrespective of adjoining property heights. However, the Council may permit heights above this, where the specific context of the site and the design of the building allow it (for example where additional storeys are set back from street frontage).

Chapter 6 – Community Development

Relevant objectives are summarised as follows:

Section 6.1 Open Space and Play Objectives

CD1 – To facilitate opportunities for play.

CD2 – In all new residential development (>50 units), where considered necessary by the planning authority, the developer shall provide a dedicated children’s play area, in the residential public open space area.

CD3 – All new neighbourhood parks or active open space zones shall include a ‘mixed use games area’ (MUGA) of an appropriate size and nature to be determined in pre-consultation with the Community, Cultural & Social Development Office of WCC.

Chapter 8 - Infrastructure

Relevant objectives are summarised as follows:

Public Transport Objectives:

PT2 – To support and facilitate the implementation of measures to improve overall accessibility, public transport and walking / cycling opportunities identified in the Bray and Environs Local Transport Study.

PT3 – To promote the development of transport interchanges and ‘nodes’ in the Bray MD where a number of transport types can interchange with ease.

PT4 – To continue to work with Iarnród Éireann and the NTA on the improvement of mainline train and DART services into Bray station.

PT5 – To facilitate through zoning of land the tie-in of new facilities, the extension of LUAS to Bray town centre and Bray train station.

PT7 – To promote delivery of improved and new bus services both in and out of the District and also within the District.

Cycling and Walking Objectives:

CW1 – To improve existing or provide new foot and cycleways on existing public roads and to facilitate the development of a cycling and walking amenity routes throughout the District.

Road Objectives:

RO5 – With respect to the major development area at the former Bray Golf Course, excellent linkages shall be provided to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river.

RO7 – To improve (as funding allows) the following roads in Bray MD, and ensure developments along these routes are so designed as to allow for / not impede the delivery of required improvements: - Castle Street – Dublin Road.

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

R10 – To improve existing or provide new foot and cycle links (as funding allows) at

the following locations in Bray MD, and ensure developments along these routes are so designed as to allow for / not impede the delivery of required improvements: -
Across the River Dargle in Bray town centre via improvements to Bray Bridge or a new pedestrian / cycle only bridge.

Flood Management Objectives:

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

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

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

Chapter 9 Built and Natural Heritage

Relevant objectives are summarised as follows:

Architectural Heritage Objectives:

AH1 – To ensure protection of all structures (or parts of structures) contained in the Record of Protected Structures.

Biodiversity Objectives:

B1 – To ensure that the impact of new developments on biodiversity is minimised and to require measures for the protection and enhancement of biodiversity in all proposals for large developments.

B3 – To maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) and to protect other designated ecological sites in Wicklow.

B4 - To support the protection and enhancement of biodiversity and ecological connectivity within the plan area in accordance with Article 10 of the Habitats Directive.

Green Infrastructure & Recreational Use of Natural Resources:

G11 – New development and redevelopment proposals, where considered appropriate, are required to contribute towards the protection, management and

enhancement of the existing green infrastructure assets and corridors of the local area in terms of the design, layout and landscaping of development proposals.

GI4 – To promote the preservation of trees, groups of trees or woodlands in particular native tree species.

GI5 – To promote the development of a series of major open spaces and recreational areas linked by green corridors where feasible (see Map GI1) in the Bray MD area as follows:

- on the former Bray golf course lands / Ravenswell Road, linked to harbour and north beach to the east and the People's Park to the west.

Chapter 10 – Key Development Areas

Specific Local Objective (SLO) 3 – Former Bray Golf Course

This MU zoned area measures c. 17ha. It is an objective that this land be developed as a mixed commercial, residential, education / community facilities and open space zone.

The plan sets out a number of requirements for the development of the lands, which are noted below: -

- The lands shall be developed as an extension to the existing town centre and shall involve the creation of a number of new streets and squares, where pedestrians and non-motorised forms of transport have priority, where buildings front directly onto streets and squares with active, attractive ground floor frontage;
- The design, finishes etc of all buildings shall draw reference and inspiration from the existing traditional town centre and the development shall flow from 'old' to 'new' without jarring distortions of scale, format or design;
- Excellent linkages shall be provided from the site to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river;
- Car parking shall generally be located under or within buildings; not more than 20% of the total overall parking provision required for the entire MU area may be located

on open surface locations;

- The residential element shall generally be delivered in a high-density format with the target provision of 1,000 units in a variety of unit sizes and formats;
- Retail development shall be integrated into the development in a manner that flows from the existing retail core of the town and brings vitality and vibrancy to the streets and squares of the new development. Retail floor space (including retail services such as restaurants, hairdressers etc) of not less than 20,000sqm (of which a minimum of 10,000sqm shall be comparison floorspace) will be required;
- Non retail commercial floor space, such as offices, professionals services etc of not less than 5,000sqm shall be integrated into the development at both ground and above retail levels;
- The existing schools / sports zone shall be retained; excellent access shall be retained to the schools and associated sports facilities and such access shall avoid the need to bring traffic through new residential areas or town shopping streets;
- Not less than 2ha shall be developed as public open space;
- Any application shall include a detailed phasing programme that ensures the timely delivery of all elements of the SLO. In order to 'kick start' the development, a first phase of housing, being those units that are not integrated into the mixed use retail / commercial element, in conjunction with the public park, may be developed as a 'Phase 1' of the overall development, strictly on the basis of the remaining housing being delivered in tandem with the retail / commercial element.

Relevant LAP Maps

- Road-Transport Objectives Map (TO1)
- Heritage Objectives Map (H2) which includes Views and Prospects.
- Bray Town and Environs Land Use Zoning Map

6.13. Natural Heritage Designations

Bray Head is designated as a proposed Natural Heritage Area. The closest European Sites are Bray Head SAC (Site Code:00714) c 1.7km to the south east, Ballyman Glen SAC (Site Code: 000713) c 2.2km to the south west, and Rockabill to Dalkey Island SAC (Site Code: 0003000) c 4.1km to the north-east. The nearest SPA is the Dalkey Islands SPA (Site Code 004172) located c 6.4km to the north-east. Bray Head is also

subject to a Special Amenity Area Order (SAAO).

7.0 The Appeals

A first party appeal and five third party appeals are submitted in relation to the proposed development. A third-party appellant, Marcia Nicholson, requested an oral hearing be held. This request was considered by the Commission; however, it was decided to determine the case without the holding of an oral hearing, on the basis that there is sufficient material on file to enable a decision. All parties and observers were duly informed of this decision by letter.

7.1. Third Party Grounds of Appeal

The third-party appeals are submitted in respect of the proposed development from Avril Power, Rachel Gibney, Noeleen McManus, Dargle Area Residents Association (DARA), and Marcia Nicholson. Third party appeal grounds are summarised under the following headings:

Submissions to WCC

- Majority of concerns submitted to the planning authority were ignored in the FI request and in the grant of permission.

Dependency on unconsented infrastructure

- Phase two depends on delivery of the sustainable transport bridge.
- Condition 5 notes that no development shall commence until pedestrian and cycle infrastructure at Fran O'Toole bridge has commenced and condition 8 prohibits any site works until condition 5 is satisfied. Conditions dependent on external delivery are unenforceable.

Flood Risk

- Site lies within or adjoining flood zones including within Flood Zone A. Block E is partially within Flood Zone A.
- No demonstration of safe access during the one in one hundred or one in one thousand year events.

- No compensatory storage provided and as such residents elsewhere incur heightened risk. Hydraulic modelling does not incorporate climate adjusted projections.
- It has not been demonstrated that road routes located in Flood Zone A would remain passable.
- Flood defences failed in 2015 and 2016.
- In accordance with the Flood Risk Guidelines no development should take place on Flood Zone A if there is another location at lower risk close at hand.
- It is unsafe to permit a childcare facility on Flood Zones A or B.
- The Bray 2011 development plan shows the former Bray golf club lands as within Flood Zone A, yet the lands were zoned town-centre. The land use zoning for the lands in the 2018 LAP changed to mixed-use for the entire site.
- The 2011 Flood Zone A is the only accurate mapping of flood risk on the lands. The Justification Test within Bray's development plan is flawed. Flood Risk Management Guidelines requires that any decision on this planning application would be premature before Bray's 2025 LAP is adopted.
- Concern raised regarding the planned change in the road that leads from Ravenswell Road uphill near the western site boundary, which according to the applicant interfered with the flood path. This is disputed and it is contended that the only benefit in removing the road at that point would be to allow greater connectivity between the most western part of the subject site and the rest.
- During previous periods of flooding flood waters crossed Castle Street and entered Dwyer Park and culminated at the side gate to the subject lands at the southern end of Dwyer Park, through which flood waters entered.

Swan sanctuary

- Mute swan colony within and adjacent to the lands and the corridor provides daily movement between feeding and roosting areas.
- Overshadowing impacts, increased collision risk, artificial lighting and narrowed flight corridors can cause lethal impacts for swans.

- Phase 3 plans include apartment blocks on a podium alongside the flood defence wall with building heights of 6 to 9 storeys. WCC is also proposing a suspension bridge alongside this section of the site. There is a risk of injury and death to swans due to twin hazards of tall buildings and the suspension bridge.

Flaws in assessment of European Sites and connectivity

- NIS excludes Bray Head SAC, The Murrough SPA, and the Dalkey Island Important Bird Area.
- The NIS acknowledges that bird species associated with above mentioned sites forage and overwinter across Bray Harbour and River Dargle. There is an obligation to assess potential effects of the project on habitats and species that contribute to the conservation objectives of European Sites through ecological connectivity even if they lie outside site boundaries.
- No assessment was conducted for disturbance, displacement, barrier effects, loss of foraging habitat, sedimentation, vibration and lighting impacts.

Procedural defects under Article 6(3)

- The planning authority treated the NIS as part of screening. There is no standalone Stage 2 determination on file. Mitigation was relied upon at screening stage.
- The TTA acknowledges reliance on the bridge for access and modal shift compliance. Exclusion of the bridge from the in-combination assessment is contrary to Article 6(3) to include all projects that are functionally connected..

Absence of sedimentation and reef impacts

- No assessments of plume modelling, suspended sediment thresholds and benthic communities are provided in the NIS.
- Intertidal reef habitats exist adjacent to the site as per applicant data.

Otter connectivity

- Corridor link inland freshwater habitats to coastal feeding grounds. Blocking this route severs population exchange and reduces genetic viability.

- There is a secondary impact on the local otter population. Their foraging and breeding areas along the River Dargle would be disrupted by construction activity, lighting and alteration of the river corridor.

Bats

- EIAR refers to previous bat surveys. The 2022-2024 surveys recorded three transects on the development site, however this does not relate to the stretch of the Dargle River which adjoins phase 3 development where apartment blocks are proposed. The current proposed development does not consider the effect on light sensitive bats which forage along the Dargle river of potential light pollution from development overlooking this stretch of the river.

Visual amenity

- Block E will be visually intrusive even at 9 storeys. It will tower over the harbour and be out of character with surrounding architecture.
 - Cumulative and in-combination failures
 - Article 6(3) requires assessment with other existing, approved, pending, or reasonably foreseeable projects and the following should have been included:
 - Sustainable Transport Bridge
 - Dublin Array Offshore Wind Farm
 - Irish Rail coastal works
 - Shanganagh WWTP expansion
 - Flood defence works

EIA failures / Project Splitting

- The EIA Directive requires a reasoned conclusion however the planning authority's conclusion is formulaic and mitigation dependent.
- The EIAR excludes the bridge despite functional dependency.
- Alternatives are confined to internal massing and do not consider avoiding ecologically sensitive land.

- EIAR does not acknowledge the estuarine stretch of the River Dargle as an important habitat and waterbird refuge and an important flightpath.
- EIAR has not considered the effects of noise and light pollution from Phase 3 apartment blocks directly overlooking the river.
- In environmental terms, all phases of Sea Gardens, flood defence works and surface water interventions form one integrated development outcome. Sequencing them across multiple applications fragments cumulative impact assessment.
- Interdependent elements of a development may not be artificially separated to avoid triggering Article 6(3) of the EIA Directive.

SEA (Strategic Environmental Assessment) failures

- Bray LAP SEA has expired and no replacement SEA was completed.
- Repurposing the land as dense urban development requires SEA. Project level EIA cannot substitute for SEA.
- Without a valid SEA baseline cumulative effects on ecological connectivity, wetland function, intertidal feeding grounds, floodplain dynamics and blue green infrastructure were never assessed at plan level.
- Project level AA is structurally incapable of legal compliance under the Habitats Directive and Birds Directive.

Community impacts

- The removal or degradation of the Dargle corridor diminishes accessible nature based amenity.
- Loss of the corridor undermines Bray's cultural identity and removes a unique non-commercial public amenity.
- Loss of shoreline access and wildlife presence reduces people's everyday contact with nature impacting on mental health.

Infrastructure

- No confirmation from Uisce Éireann demonstrating wastewater and surface water capacity.

- No certified CEMP has been approved.
- Conditions dependent on third party infrastructure are legally unenforceable.
- Applicant cannot guarantee delivery of the bridge, yet it is required for the proposed development.

Water quality / WFD

- Bridge deck run-off introduces hydrocarbons, microplastics, heavy metals and tyre waters into estuarine waters. No filtration, monitoring or treatment system is proposed.
- Construction phase risks include suspended sediment, smothering of reef habitat and turbidity plumes affecting benthic communities.

Lighting and Collision Risk

- Artificial night light negatively impacts species and increase collision risk for swans during fog, rain and low visibility.
- Taller structures, reflective glazing and hard surfaces increase avian collision risk. Block E (whether 9 or 15 storeys high) will present a threat of injury/collision to nearby swan colony.
- Proposed building heights at the river margins introduce overshadowing of intertidal habitats and reduced light penetration at in estuarine margins may impact on algal and biofilm communities that support prey relied upon by birds / swans.

Impartiality concerns

- WCC is the developer/promoter of the URDF funded bridge works and is assessing the proposed development which depends on that same infrastructure. The perception of potential bias undermines public confidence in the planning process.
- No independent compliance assurance or conflict mitigation measures appear on the planning file.

Public participation

- Concerns made in submissions are not substantively addressed in planner's report. Omission of citizen submitted wildlife records undermines compliance with Aarhus Convention.

Traffic impacts

- Severe traffic congestion experienced in Bray throughout the day. Proposed development is premature due to chronically congested road network.
- Condition 5(a) (i) and (ii) relating to proposed pedestrian and cycle infrastructure at Fran O'Toole bridge is welcome. However there is no agreed timeframe for commencement or completion of this infrastructure.
- Condition 17 requires a Mobility Management Strategy however this document is likely to be aspirational.

Roads and junctions

- Changes in the naming of roads within this site and throughout various applications is confusing and places an unjust burden on residents who will be most affected by the proposals.
- The Upper Dargle Road is narrow and incapable of taking the heavy traffic burden imposed by this plan. Redistributing traffic from Ravenswell Road access will cause traffic congestion and a traffic lights at Ravenswell Road junction would be a better solution until a second bridge for cars is built further upriver.
- FI questions posed by WCC (i.e. 3(d) and 5(a)-(f)) and in the RSA reflect concern about pedestrian and cycle safety at the junction.

Prerequisites in BETS 2019

- There are 3 separate prerequisites (Bus Connects, Interchange at DART Station, phased introduction of bus and enhanced rail services) that the development does not meet and both the applicant and WCC appear to think there is no need for them to be met.

Public transport bridge

- The plan to build this proposed bridge would be catastrophic for swans, and sea and river wildlife and is flawed. The bridge proposal has not yet been put before elected representatives and as such it constitutes unauthorised development.
- The bridge appears to be a fait accompli appearing in NTA documents and in conditions attached to Phase 1a of Sea Gardens and now in WCC's grant of permission for Phase 2.

- No EIA or NIA undertaken to date. An NIS was ordered in 2022.
- The permission granted appears to facilitate groundwork for the proposed bridge across the River Dargle, despite that bridge being under legal challenge.
- The proposed development and bridge are interdependent.
- Bray Harbour and River Dargle support protected species. Ecological impacts are not adequately assessed or mitigated. Granting permission in the absence of the required NIS is environmentally and procedurally unsound.
- Until NIS is completed and the status of the transport bridge is confirmed, no linked development should progress.
- Conflict of interest in WCC's ability to grant permission to the owner of the land upon which the local authority wish to put their northern access road to the bridge.

Procedural Fairness

- Approving a development that is functionally dependent on a separate project (Public Transport Bridge) under legal challenge gives the perception of predetermination and undermines confidence in the planning system.

Environmental reports

- The Bray golf club lands are divided into separate sites and this has made passing environmental tests much easier.
- Any environmental assessment carried out on the lowlands of the site has been compromised because it is carried out on an environment which has already been substantially destroyed.

7.1.1. Appendices to third party appeals

The third party appeal received from Avril Power includes photographs / images titled as follows:

- 2015 Flood Defence Failure at former Bray Golf Club lands.
- 2016 Flood Defence Failure at former Bray Golf Club lands.
- Figure 5.2 Flood Zones A and B with proposed development overlap.
- Nesting mute swan between Fran O'Toole bridge and People's Park.26.4.25.

- Screenshot of otter feeding on the concrete base of the railway bridge: June 2022.
- Curlews feeding south-west of the newly excavated road: 15th January 2023.
- Drone shot of destroyed environment: 4th February 2023.
- Footpath from Dwyer Park onto Flood Zone A of the former golf club lands: 22.4.2025.

The third party appeal received from DARA includes the following:

- Copy of submission made to the planning authority in respect of the proposed development (undated).
- Lighting Plan for proposed development at Harbour Point, Bray, Co. Wicklow prepared by Bat Eco Services.

The third party appeal received from Marcia Nicholson includes the following:

- Academic research and evidence relating to mute swans.
- Extracts / information relating to Bray Swan Flight Corridor from National Marine Planning Framework Page 38. Available at <https://www.marineplan.ie>
- Bray Swan Flight Corridor – 2025 mapping.
- Photo of bridge proposed across River Dargle
- Extracts of Sea Gardens Masterplan stated to show evidence of Sustainable Bridge.
- Extract of Notification of Decision with purported ‘ambiguous references’ to ‘supporting ancillary infrastructure’ and ‘supporting development.’ Commentary states that : *In the context of the masterplan drawings and mobility diagrams, such wording could reasonably be interpreted as referring to the unconsented bridge.*
- Copy of an e-mail dated 16th October 2025 from Ballymore to the planning authority regarding Condition 5(a) relating to Fran O’Toole bridge.
- Copy of an email dated 9th October 2025 to Ballymore confirming, inter alia, that a consultant has been appointed to progress proposed upgrade works on the Fran O’Toole bridge and that works are anticipated to commence in Q2 2027.
- A copy of a newspaper article entitled ‘Experts weigh in on potential impact of Bray bridge on swans’ and associated commentary.

- Mapping from the National Biodiversity Data Centre. The appellant states that the mapping confirms that protected species occur where construction, access routes and associated infrastructure are proposed.

7.2. Observations

A total of eight observations were received in relation to the proposed development, five of which are from local Elected Representatives. The observations are summarised as follows:

Councillors Caroline Winstanley, Malachai Duddy, Joe Behan, Ian Neary and Dermot O'Brien

- The proposed Phase 2 public park is within Flood Zone B. It may be more appropriate to locate the park on the lower lying lands within Flood Zone A, enabling higher density housing to be located on higher and less vulnerable areas of the site.
- The application forms part of a masterplan and cannot be fully assessed in isolation.
- The proposed sustainable transport bridge (Part VIII proposal) remains unconsidered by the elected members of the Council and has not undergone the required environmental assessments as yet. Nevertheless the FI requested the applicant to detail how the proposed development would integrate with this unapproved infrastructure proposal. This also raises questions about sequencing and procedural clarity.
- Third party submissions raised concerns regarding flood risk, ecological impacts, road safety and implications for public transport. However only traffic issues were substantively addressed in the FI request.
- Phase 2 development is premature. In this regard it is noted that Phase 1a of the development is subject to judicial review proceedings. Further, the OPW Map Update (Bundle I project) for Bray is ongoing, with updated flood maps scheduled for publication in Q4 of this year, which will provide the first comprehensive post-defence assessment of flood risk along the Dargle.

- Close connections between the planning authority and the applicant regarding the proposal and a conflict of interest has arisen.

Seana Kevany

- WCC treated the NIS as if it formed part of a screening exercise and declined to make a standalone reasoned Stage 2 determination / conclusion which is required.
- There are flaws in the assessment of European Sites, species, ecological needs and connectivity. Other ecologically connected sites and areas of functional habitat (including Bray Head SAC, The Murrough SPA and marine extension, Dalkey Island and Cliffs Marine IBA) are ignored or dismissed on the basis that there is no hydrological link.
- None of the species (swans, otter, wintering waterbirds) or the river is assessed for disturbance from piling, noise, vibration, loss or degradation of feeding areas due to sedimentation or altered hydrology, barrier effects on movement corridors and cumulative loss of ecological function with other projects.
- Piling and vibratory disturbance can interrupt prey chasing behaviour and impact on harbour seals.
- NIS contains no sediment assessment.
- No plume modelling, suspended sediment analysis, or assessment of benthic or macroalgal communities.
- Incompatible with NPWS 2024 Reef Conservation Status Report.
- Other projects including the Dublin Array Offshore Wind Farm, Codling Wind Park, IR Maritime Area Consent Applications, applications for coastal defence and rail infrastructure upgrades, the Shanganagh WWTP expansion, Bray Flood Defence and River Dargle works are also excluded.
- Project splitting: the planning authority has acknowledged that the proposal will be supported by future sustainable transport infrastructure currently in preparation. As such the proposed development is functionally interdependent with the proposed bridge. The in-combination assessment fails to address part of the overall project.
- EIA deficiencies:
 - No legally valid 'reasoned conclusion' on the significant effects of the project.

- No identification of the main significant effects; no evaluation of residual impacts post-mitigation; no analysis of uncertainties and no demonstration of how Article 8(a)(1)(b) is satisfied.
- EIAR is incomplete as it excludes the interdependent bridge.
- Failure to assess reasonable alternatives e.g. alternative configurations, reduced scale, relocation of more intensive away from the river.
- Improper use of mitigation in place of assessment.
- Inadequate cumulative effects analysis.
- Failure to conduct SEA.
 - The LAP identified the lands as core green infrastructure. Both the LAP and the associated SEA expired in 2024. The lands are incorporated into the Wicklow Development Plan without any fresh SEA to reassess their strategic role or zoning.
 - SEA is mandatory where the local authority zoning departs materially from previously assessed purposes.
 - There has been no plan level assessment of the strategic implications of converting the lands from ecological corridor/open space to high density built form.
- Flood plain protection:
 - Preserving and restoring natural flood plains is one of the most effective ways to reduce flood risk. Authorising dense built development and hard surfaces at the subject location is against best practice.
 - Once the remaining flood plain is committed to dense development the scope for any future Dargle river restoration or re-naturalisation will be reduced if not eliminated.
 - This has a direct impact of WFD objectives, conservation of aquatic and riparian habitats, long term viability of the swan sanctuary and bird and otter habitats.

Mohamed Shousha

- Resides in Sea Gardens; supports the proposed development which is aligned with national and regional policy and accords with the proper planning and sustainable development of the area.
- The lands have been master-planned over two decades in anticipation of growth.
- Economic benefits associated with the proposed development.
- Refusing the proposed development on serviced and flood defended land would be against the NPF.
- The interpretation that the site is a flood plain does not reflect the engineering reality and verified performance of flood protection infrastructure.
- A comprehensive FRA was undertaken in accordance with OPW guidance and national policy. The site is protected engineered flood defences specifically to enable redevelopment of the lands. The defences are functioning and completed. The €46m flood defence scheme was completed in 2017.
- Site benefits from proximity to DART. Extension to Luas line is also proposed and Bus Connects upgrades will also enhance high frequency bus capacity.
- The proposal represents delivery of a complete mixed-use urban neighbourhood and comprises a 'live-work-services' environment where daily needs are met locally and sustainably.
- Preventing development in this location would mean that unoccupied urban lands adjacent to the rail line would remain unoccupied.
- The majority of Phase 2 development is not high rise. The isolated taller element is not adjacent to the harbour flight corridor and the project is designed with massing that steps down towards open space and amenity zones.
- The public discussion around 'the bridge' is wrongly conflated. Phase 2 is associated with the Fran O'Toole Bridge upgrade and not the separate conceptual sustainable transport bridge noted in in some submissions.
- No evidence to support the claim that Phase 2 development would increase risk to swans.

- Permission should be granted. The proposal complies with national, regional and local policies.

Owen McNestry and Sarah Sheppard

- Resides in Dwyer Park; generally support the proposed development.
- Destruction of mature trees contravenes Development Plan policies / objectives CPO 17.18, 17.20 and 17.22. Biodiversity value of mature trees and undergrowth is hugely significant; loss of biodiversity.
- Strongly support high density housing development with access to transport at the site.
- Too many car parking spaces proposed and the Council should promote sustainable transport options. Car parking provision should be reduced.
- In favour of the proposed pedestrian and cycle access to the development from Dwyer Park. It will allow Dwyer Park residents to safely access schools beside the development, as well as the public park without having to travel via the busy main road. It appears however that the access will be gated access only at this location which would not facilitate permeability.
- Needs of children attending schools in the area should be considered when examining road layout and the impact of schools on vehicular, pedestrian and cycle traffic.

7.3. First Party Grounds of Appeal

The appeal provides a description of the proposed development and the planning authority's decision with particular reference to Condition numbers 2, 5 and 6 which are the subject of the appeal.

The first party appeal may be summarised as follows:

Condition 2 – Building height (Block E)

In the interests of visual and residential amenity this condition requires that the height of the proposed 15 storey element of Block E be reduced by six storeys through removal of floors 4,5,6,7,11 and 12 and the submission of revised plans to be agreed with the planning authority prior to commencement of development.

Policy support

- National, regional and local planning policy supports increased building heights and higher densities in suitable urban locations well served by public transport and identified for regenerations, such as the former Bray Golf Club lands, where Sea Gardens Phase 2 is located.
- Block E continues the practice of increased building heights along the eastern edge of the site where increased heights have been permitted (Reg. Ref. 20/672, relating to PL39.230246 and Reg. Ref. 07/630194) and to the north within Phase 1B (ABP Ref. 314686-22 refers).
- Revised National Planning Framework 2025, the Building Height Guidelines and the Compact Settlement Guidelines provide clear policy support for increased building heights as essential mechanisms to achieve national objectives for compact growth, housing delivery and urban regeneration. These policies recognise taller buildings as effective tools for optimising urban land use and delivering housing targets in existing built-up areas. Any height reduction in Block E risks undermining these policies / objectives and compromising the sustainable redevelopment of the subject lands.
- The RSES endorses urban consolidation, regeneration and increased densities in the Metropolitan Key Town of Bray identifying the former Golf Club lands as a strategic development area suitable for intensification.
- The Wicklow County Development Plan and the Bray LAP establish a policy basis that facilitates consideration of increased building heights subject to compliance with national guidance, high quality urban design and integration with surrounding context. Block E design is carefully considered and masterplan-led; it protects residential and visual amenity and respects Bray's architectural heritage. A reduction to 9 storeys is unsupported by planning policy.

Building Height precedents

- Phase 1B of Sea Gardens proposed a 12 storey block (Block B) and was permitted at 9 storeys due to concerns regarding visual impacts on coastal amenity and heritage. The reduction was accepted as a reasonable mitigation without undermining the overall height strategy of the masterplan.

- Such concerns are already addressed in relation to Block E having regard to the submitted LVIA and the information (including AHIA) provided in response to Item 7 of the FI request. The planning authority's CE report for Phase 1B indicated an endorsement for tall buildings as high as 12 storeys.
- Prior to the Sea Gardens Masterplan, Pizarro Developments Ltd. prepared a Masterplan for the former Bray Golf Club lands and adjoining areas for a mixed-use development comprising 951 residential units, hotel, retail, offices and community facilities across c 21ha. Building heights ranged from 2 to 11 storeys with blocks near proposed Block E reaching heights of c 43m. Appeal decisions relating to two applications did not substantially alter the overall scale or layout. This permission which was extended established a precedent pertinent to the proposed Block E development.
- A Large-Scale Residential Development (Reg. Ref. LRD25/0644) was submitted for 159 residential units on lands proximate to the subject site within the administrative area of Dun Laoghaire Rathdown County Council. The proposed development includes Block A1, ranging in height from 6 to 10 storeys and Block A2 ranging in height from 7 to 11 storeys. The initial planner's report on this proposal considered the location set away from Bray Seafront would be capable of accommodating additional height as proposed.

Block E - Design and Masterplan for Block E

- The design and masterplan led rationale underpin the proposed height, scale and massing of Block E. This is further detailed in the applicant's response to Item 7 of the FI request.
- The design approach ensures Block E sensitively responds to its context and contributes positively to the emerging townscape of Bray. The LVIA demonstrates Block E's design and height is appropriate and accords with development management criteria for increased building heights as set out in the Building Heights Guidelines.
- The design uses stepped massing and articulated facades to ensure sensitive scale and visual integration within the wider masterplan.

- Condition 2 which reduces Block E to 9 storeys would (as outlined in the Appeal Design Statement appended to the appeal) would result in:
 - Erosion of the legibility of the development, weakening the wayfinding function.
 - Flattening the skyline above the coastal edge eliminating the intended vertical emphasis and variation that articulate the transition from inland duplex housing to seafront buildings.
 - Result in a monotonous roofline, and
 - Compromise the proportional balance between Market Square and Central Park spaces.

Visual Amenity

- LVIA and other documentation provided confirms that Block E's height will not dominate or overwhelm key views.
- Block E serves as a marker that enhances urban legibility and placemaking. Graduated distribution of building heights across the masterplan creates a sensitive transition to adjoining lower rise neighbourhoods.
- Block E benefits from proximity to existing and planned high frequency public transport.
- Submitted AHIA Report confirms the high quality design of Block E will not have adverse or significant impacts on Bray's historic and architectural heritage. It notes the visibility of Sea Gardens including its taller buildings, from historic parts of Bray will be very limited. The objective potential for impacts on the setting of architectural heritage is assessed in the AHIA as likely to range from 'imperceptible' to 'moderate' at some locations on Bray seafront.

Residential Amenity

- Unclear from the planner's report how the proposed development impacts negatively on residential amenity.
- It is clear from the submitted Planning Report and Quality Housing Assessment that the proposed development accords with the Apartment Guidelines and Compact Settlements Guidelines.

- Proposed Block E apartments are of high quality and will provide future residents with a high standard of accommodation.
- Since lodgement of the planning application revised apartment standards as set out in the *Planning Design Standards for Apartments, Guidelines for Planning Authorities (2025)* have been introduced. The proposed development delivers a higher standard of residential amenity than required in the 2025 Guidelines, further underpinning residential amenity to be enjoyed by future Block E residents.

Reduced housing provision

- The effect of Condition 2 is to refuse permission for 44 apartments. This is not in keeping with the overriding national planning priority of increasing the housing supply.
- It is not clear that appropriate weight has been given to Government and planning policy objectives to increase housing supply.
- There is a need to ensure an appropriate quantum of housing is permitted at the subject strategic land bank.
- The Programme for Government is unequivocal in its prioritisation of an increased housing supply.
- Revised NPF 2025 and the National Development Plan Review 2025 provide direct support for and are focussed on housing delivery.

Viability of Block E – 9 storeys

- Reduction in the number of Block E storeys from 15 to 9 has a profound impact on the viability of the building.
- Revenue loss is acute as those apartments on the higher floors and at penthouse level command higher prices than apartments located at lower floors. Loss of revenue is not matched by a commensurate reduction in costs
- CDP Policy CPO 6.2 prevents sale of apartments to corporate entities and as such units have been designed to appeal to a particular owner-occupier market.
- Should the omitted 44 apartments not be permitted it undermines the ability to secure funding for and to proceed with Block E construction. A 9 storey Block E would not be constructed.

- The High Court's recent decision on the Mothel Solar Farm confirms that economic viability is a valid planning consideration and that financial sustainability forms part of 'proper planning and sustainable development.'

Possible Block E Revisions

- Should it be considered that a reduction in Block E height is required, an alternative design reducing the building to 12 storeys is submitted. This is stated to be the most significant reduction in height which could be countenanced whilst still delivering the design intent to provide a marker building at the location. The revised proposal results in a reduction of 22 apartments so that 87 units would be provided in Block B.
- Should the Commission decide that neither a 15 nor 12 storey Block E is appropriate, it is requested that the Block is refused permission in its entirety to ensure clarity that the rest of the scheme can be built out in accordance with proposed phasing as per Condition 5(a).

Condition 5 – Fran O'Toole Bridge upgrade

- Condition 5(i) requires that no development commences until construction of the pedestrian and cycle infrastructure at Fran O'Toole bridge is commenced. Condition 5(ii) requires that the proposed development is not occupied until the pedestrian and cycle infrastructure at Fran O'Toole bridge is completed, unless otherwise agreed by the planning authority.
- There is no objective in the Bray LAP 2018-2024 to upgrade the bridge. The design is not finalised and the consent process is unclear and may not be completed before 2027. It is probable that the commencement of the pedestrian and cycle infrastructure on the bridge will not be before 2028. As such no works on the proposed development could commence for the first two years of the life of the permission.
- The provision of new cycle and pedestrian facilities at Fran O'Toole bridge will not deliver a new route but simply improves an existing pedestrian and cyclist route between Bray town centre and the proposed development.
- Internally the proposed development provides an interconnected and permeable street network with onward connections to Bray town centre, train station and the

waterfront. The proposed development is not reliant upon the delivery of additional external infrastructure to provide pedestrian and cycle accessibility. There is no transport need for these conditions to be attached.

- Neither the Bray LAP or the Bray and Environs Transport Study reference an upgrade of the Fran O'Toole bridge and its upgrade is not required as a pre-requisite to development within the subject site.
- This condition requires work to lands outside the development site which are not in the applicant's ownership. The permission for the proposed development is effectively dependent on the action or inaction of third parties.
- The OPR's publication, *Practice Notes on Planning Conditions* states that conditions should be necessary, reasonable and enforceable. It is considered that Condition 5 is not necessary, as the infrastructure is not required for movement between Sea Gardens and Bray town centre, and that the condition is unenforceable, as upgrades cannot be delivered by the applicant.
- The Practice Notes indicate there may be instances whereby certain works outside the site are required to render such a condition acceptable. In such cases the works should already be permitted, commenced and/or will be undertaken in a reasonable timeframe. However the upgrade works have not yet been permitted and it is unknown when consent will be obtained.
- This matter was not raised in the pre-application consultation or at FI stage and came as a shock to the applicant.
- The imposition of Condition 5 hinders and delays delivery of housing, for no reason, in the midst of a severe housing shortage

Condition 6 – Financial Contribution Condition

- This financial contribution condition requires payment of €4,354,683 to the local authority as a contribution in respect of public infrastructure and facilities benefitting development in the area.
- While the applicant is satisfied to make a financial contribution, part of the proposed development will deliver public infrastructure of benefit to Bray in the form of Southern Access Road linking the Dublin Road to the waterfront and planned Luas stop.

- Delivery of the road is supported by the Bray LAP with Map TO1 indicating that it forms part of the local road improvements in Bray. Golf Club Lands Transport Infrastructure is also listed in Appendix 1 of the local authority's Development Contribution Scheme (DCS) and the proposed road forms part of this.
- The proposed road also forms part of other Appendix 1 listed Class 1 Public Infrastructure in the DCS including pedestrian and cycle facilities, with dedicated cycle and pedestrian infrastructure proposed on both sides of the carriageway.
- It is considered that costs for provision of the roadway should be offset against the conditioned development contribution. The road is not simply being provided with the narrow objective of serving the proposed development or Masterplan lands.
- Requiring the applicant to pay development contributions and fund the development of the road is effectively double charging and is inconsistent with the Development Contribution Guidelines.
- It is requested that Condition 6 is amended to remove reference to a specific monetary value and that the planning authority and the developer agree a contribution amount on the basis of the Section 48 Scheme, with an allowance being made to offset the costs borne by the developer in the provision of the Southern Access Road.

The following enclosures are appended to the applicant's appeal:

- Architectural drawings (elevations, contiguous elevations, floor plans and sections) relating to Block E, 12 storeys in height.
- Design Statement reaffirming the proposed 15 storey design of Block E while illustrating how an alternative 12 storey design embodies the same urban design principles within a moderated scale.

7.4. Applicant Response

None on file.

7.5. Planning Authority Response

None on file.

7.6. Further Responses

Response from Rachel Gibney to traffic issues raised in appeal by Noeleen McManus

This may be summarised as follows:

- This response refers to a submission from Alliance of Bray Residents (ABR) made in respect of the proposed development in April 2025. This indicated a figure of 11,935 households in Bray (Census 2022 figure) with an additional 4,806 units completed and in the pipeline for Bray including phases 2 and 3 of Sea Gardens. This is an increase of over 40% in the next 2 to 4/5 years if the proposed development goes ahead.
- Transport projects will only be in place well after Sea Gardens phase 2 is a new community e.g. DART+, Bus Connects, GDA Cycle Network, Luas extension. Furthermore the Sustainable Transport Bridge is likely to require redesign.
- The submission includes two photographs. One shows traffic congestion at Fran O'Toole bridge in November 2025 and the second shows traffic congestion at Seapoint Road (undated).
- Extracts from the Inspector's report relating to the Pizarro application (Ref. ABP-230246) are detailed and it is noted that the report raises many of the traffic related concerns which are still very valid today, but with an increased population, increased traffic and little increased infrastructure to cope with it.
- New houses must be built safely for new residents, their neighbours upstream and across the river.
- Given that a Traffic Committee has been set up, that flood risk maps are to be published for the Dargle area, that Bray's LAP is imminent and that many factors regarding infrastructure are unknown, it is considered that a grant of permission on the land is premature.

Response from Noeleen McManus to appeal by Marcia Nicholson

This may be summarised as follows:

- Reference made to flooding in '2024' in Part 5, page 4 of the appeal was a typographical error. There is a wider pattern of significant flood events recorded across the country in 2024.
- Infill, hard surfacing and ground raising within or near a flood plain can displace water into surrounding areas and increase residual risk elsewhere.
- Proposed mitigation requires particular care as emerging climate behaviour indicates future events may surpass established modelling.
- The Climate Change Advisory Council publication, *Our Changing Climate in 2024: Annual Review 2025* notes record breaking rainfall in 2024 and notes that flooding is very costly and that one in every 20 buildings experiences difficulty securing flood insurance. Met Eireann's Climate 2024 report reinforces these findings.
- Flood risk in Ireland is intensifying with climate driven flooding becoming more unpredictable with hydraulic modelling requiring climate adjusted projections.
- Development on the old Bray Golf Club lands would heighten exposure to flood impacts and would be contrary to emerging national requirements for climate resilience, insurance viability and public safety.

Response from Avril Power to appeal by Shankill Property Developments

This response may be summarised as follows:

Condition 2 – Block E:

- Block E is located close to the river, the swan's flight path, on Flood Zones A and B.
- Proposed design / height appears to be motivated by profit.
- A complete revision of the applicant's plans for phases 2 and 3 is required.

Condition 5(i) and 5(ii) – Fran O'Toole Bridge

- This bridge is dangerous for cyclists and pedestrians.
- Until a second bridge, upriver, is built removing cars from this route, the danger will increase.
- Closing Ravenswell Road and removing that bottle-neck to the Upper Dargle and the old Ravenswell convent entrance will exacerbate the danger.

Condition 6 – Financial Contribution

- Most of the access road was already in existence when the applicant purchased the site in December 2019. It is referred to locally as ‘Schools Road’ because it was constructed to facilitate two new schools (Reg. Ref. 15/190 refers).
- Google Earth maps (in this submission) show no roads in 2016, work in progress in 2017 and the road completed in 2018.

8.0 Assessment

8.1. Having examined the application details and all other documentation on the file, including the first- and third-party appeals, the observations, and having inspected the site, and having regard to the relevant national, regional and local policy and guidance, I consider the main issues in relation to this case may be considered under the following headings:

- Principle of Development
- Density
- Impact on Proposed Residential Amenity
- Building Height, Layout and Visual Impact and Condition No. 2
- Traffic and Transport
- Planning Authority Conditions: 5a(i) and(ii)
- Financial Contribution: Condition No. 6
- Other issues
- EIA
- Water Framework Directive
- Appropriate Assessment
- Planning Conditions

While the 6 year period associated with the Bray Municipal District LAP 2018-2024 has expired section 3.4 ‘Zoning’ of the WCDP 2022-2028 states that until LAPs for a number of settlements, including Bray, are replaced, the existing LAPs for these

settlements form part of the County Development Plan. This has the effect of the provisions of the Bray Municipal District LAP 2018-2024 remaining in place until such time as it is reviewed.

8.2. Principle of Development

8.2.1. The housing target for Bray as outlined in the WCDP 2022-2028 is revised to 6,299 units, with approximately 1,000 units anticipated to be provided on the former golf course lands. The majority of the subject site is zoned MU – Mixed Use in the Bray Municipal District LAP 2018 with the objective ‘To provide for mixed use development.’ The proposed development comprising Phase 2 of the Sea Gardens Masterplan consists of 341 no. residential units, a public house (in Block E), a childcare facility and medical centre (in Block H), a hotel (including a rooftop restaurant, wellbeing centre and wedding/function venue in Block I) and retail/retail services distributed in Blocks E, G, H and I.

8.2.2. In accordance with CPO 6.1 of the WCDP, the proposal is located on suitably zoned or designated land, in the settlement of Bray and proximate to the town centre and the services available there. The proposed medical centre is supported by Objective 7.19 which seeks to facilitate healthcare uses at accessible locations in towns and in areas of significant residential development. CPO 7.27 seeks to facilitate childcare provision at sustainable locations, with the proposal aligning with this objective through provision of a childcare facility to cater for 150 children. A 150 bed hotel is proposed within Block I which is supported by CPO 11.10 and CPO 11.11 which seek to facilitate the development of quality accommodation types and new hotels in the County, with particular preference (for hotels) in larger settlements. I note Objective RT1 of the Bray LAP also seeks to promote and facilitate retail development on suitably zoned land within settlements, while Objective BT2 which relates to Bray Town Centre seeks to promote and support the development of significant new retail, retail services, commercial and cultural / community floor space at the former golf club lands. Having regard to the foregoing, I am satisfied that all proposed uses on the majority part of the subject site which is zoned for a mixture of residential and other uses would be consistent with the applicable MU zoning objective as outlined in the Bray LAP 2018.

8.2.3. A portion of the north-western part of the site, which is to accommodate the proposed Southern Access Road, is zoned R-HD 'New Residential – High Density' in the Bray Municipal District LAP 2018, with the objective 'To protect, provide and improve residential amenities in a high density format.' While I acknowledge that the provision of the proposed access road would not accord with the R-HD zoning objective, I note that this carriageway would facilitate necessary access for pedestrians, cyclists and motorists through an upgraded junction at Castle Street and the Upper Dargle Road, to the proposed mixed use development. The carriageway would also provide connectivity to existing schools, the waterfront, the railway / DART station and Bray town centre. In this context I note the Bray Municipal District LAP objectives PT2, RO5, R10 and SLO 3 which all support improved linkages and accessibility, with the latter two objectives specifically relating to the former golf club lands or nearby lands and requiring multiple access points and enhancement of connectivity across the lands and to surrounding areas. These requirements would be delivered by the proposed development. Having regard to the foregoing, I consider the location of the proposed Southern Access Road to be appropriate and acceptable.

Compliance with SLO 3

8.2.4. SLO 3 as outlined in the Bray Municipal LAP 2018, and set out in Section 6.12 above, relates to the subject site as it forms part of the former Bray Golf Club lands as situated in the administrative area of Wicklow County Council. This SLO outlines the nature of the proposed mixed-use development envisaged for these lands, namely that they be developed as a mixed commercial, residential, education / community facilities and open space zone.

8.2.5. I note the following in terms of compliance with the various requirements of SLO 3 (underlined below):

- Extension to existing town centre: The proposed development will act as a northern extension to Bray town centre and includes new streets and public areas where active travel infrastructure will connect into existing routes linking the lands to Bray town centre to the south. The proposed blocks will front onto streets and squares where people can gather. For instance, the design of the proposed plaza at the Western Gateway proximate to the retail/commercial Block G facilitates pedestrian

and non-motorised access between new streets and connects into the wider public realm in Bray town. The plaza design encourages activity at this location and allows people to congregate and interact. I consider that the proposal complies with this specific requirement of SLO 3.

- Design and Finish: Section 4.7 of the Sea Gardens Masterplan outlines the applicant's rationale and approach to materials and finishes across the Masterplan area and in this context it considers Bray's existing housing stock, including from the Victorian period which is stated largely to comprise rendered housing stock with a limited palette of materials. The Masterplan notes that the principle façade material to be used will comprise render and brick, with selected colours to be lighter hues. Section 3 of the Architectural Design Statement (ADS) submitted with the application outlines the coastal design concept and architectural rationale of the proposed development and details proposed finishes. In terms of Block E, a lighter brick forms a continuous horizontal band, balanced by a darker brick framing the windows. Other finishes to this block include aluminium balconies, and concrete cills. Block H, located at the western side of the site proximate to an entrance gateway is designed to resemble Victorian terraced properties commonly seen in Bray with finishes comprising a combination of red and grey brick and light coloured metalwork. Block G located at the western gateway will be primarily finished in precast concrete, coloured in a range of pastel tones, which ties the buildings to the seaside character of Bray. Block I's finishes include light brick, composite wood panelling and metal railings. Finishes to proposed houses include stone effect concrete tiled roofs and smooth rendered facades which aim to strike a balance between modern design and traditional coastal architecture. The facades of duplex units will comprise brick finishes and stone surround around front door and windows. I consider that the proposed buildings are of high quality design and include appropriate and high quality finishes. As such, in my view, the proposal complies with this specific requirement of SLO 3.
- Linkages: A network of pedestrian and cycle paths are proposed across the proposed development and they will connect into existing infrastructure / networks. Future residents will have access to existing public transport infrastructure and

local services in Bray town centre. Further, existing communities will have access to the proposed development and facilities/services it offers including the central park. The submitted TTA details existing and proposed infrastructure including roads, cycle paths, pedestrian paths and parking (car and bike) for residents and visitors. The submitted DMURS Statement demonstrates compliance with those standards. I consider that the proposal complies with this specific requirement of SLO 3.

- Car Parking: (Generally to be located under or within buildings and no more than 20% of total overall parking provision required for entire MU area may be located on open surface locations).

I note that this specific SLO 3 requirement applies to the entirety of the former Golf Club lands within the Wicklow County Council administrative area, including the subject Phase 2 lands. Parking for apartment units is located in undercroft areas within Blocks E and H and Block I also has undercroft parking availability. There is limited on-street parking to cater for the needs of the childcare facility/medical centre in Block H and retail units in Block G. In-curtilage / surface parking is generally provided for houses and duplex units. In my opinion it is reasonable that the proposed houses and duplex units are served by in-curtilage parking. Parking for apartments and most of the retail/commercial uses is delivered through undercroft spaces. This SLO requirement can only be fully assessed when exact/finalised proposals for the entire MU zoned area is available. At this stage I am satisfied that there is no contravention of the Bray LAP in this regard.

- Residential density: (Generally to be delivered in a high density format in a variety of unit sizes and formats):

The proposal contributes to the target of 1,000 units on the overall landholding within the administrative area of Wicklow County Council. I have examined the matter of residential density below in section 8.3 and conclude that the density of the proposed development is acceptable. Density is achieved through the construction of a mix of unit sizes and formats including apartments, houses and duplex units. I consider the proposal complies with this specific requirement of SLO 3.

- Retail development: (Retail floor space of not less than 20,000sqm to be provided, with 10,000sqm to be comparison floor space). The proposal contributes to the target of 20,000sqm of retail floor space on the overall landholding within the administrative area of Wicklow County Council. Over c.8,155sqm of retail/retail services space is proposed in Phase 2, with retail units distributed across the scheme and located at ground floor level. It is proposed as per the Masterplan that additional retail space would be available in a future phase (Phase 3). Having regard to the foregoing, I consider that the proposal complies with this specific requirement of SLO 3.
- Non-retail commercial floor space (not less than 5,000sqm to be provided):
The proposed development will provide c10,778sqm of non-commercial floor space (including a hotel and creche) at appropriate locations across the scheme. I consider that the proposal complies with this specific requirement of SLO 3.
- Schools / Sports Zone (access to be retained):
The proposed development does not impact existing schools or sports zones. I consider that the proposal complies with this specific requirement of SLO 3.
- Public Open Space (not less than 2ha):
The proposed development comprises c.1.8ha of public open space and as such significantly contributes to the overall public open space target (of 2ha) required on the former golf club lands located within the administrative area of Wicklow County Council. This constitutes c.16.7% of the overall gross site area, exceeding the WCDP requirement of 15%. I consider that the proposal complies with this specific requirement of SLO 3.
- Detailed Phasing Programme:
The proposed development relates to Phase 2 of the Sea Gardens Masterplan which has been prepared by the applicant to facilitate orderly and phased development of the former Bray Golf Club lands. See section 5 above in terms of previous phases relating to the overall lands. A phasing plan accompanies the planning application in accordance with CPO 6.20 of the WCDP (Drawing No.

BRA-HWS-02-ZZ-D-A-10107-P01 refers) and this also identifies Phase 3 lands, which are intended to be the subject of a future planning application and located to the south of Phase 2 lands, adjacent to the River Dargle. Section 6 of the Masterplan also sets out phasing proposals across the former Bray Golf Club lands. I consider that the proposal complies with this specific requirement of SLO 3.

- 8.2.6. In conclusion, having regard to my assessment above, I consider the proposed development complies with the various requirements of SLO 3 which relates to the former Bray Golf Club lands located within the Wicklow County Council administrative area.

8.3. Density

- 8.3.1. Section 4.3 of the HQA relates to density and indicates a proposed net density of 62 units per hectare. I note the net density is stated as 66 units per hectare elsewhere in the HQA and other documents submitted with the application, including the applicant's planning report.
- 8.3.2. The stated gross site area is given as 11ha in the HQA. For the purposes of calculation of the net site area and net density, the areas of the proposed development designated for commercial use, the link street, proposed open space lands (Central Park) and proposed Phase 3 lands to the north of the River Dargle have all been excluded from the gross site area. In addition, the net site area is further refined having regard to the stated non-residential floor area of 3,240sqm within proposed residential blocks. These aforementioned areas are reflected on a colour-coded map in section 4.3 of the HQA. Figure 44 of the HQA sets out density metrics and indicates a net density of 66 dph.
- 8.3.3. The Bray Municipal LAP outlines a minimum density of 50 dph, while Table 6.1 of the WCDP 2022-2028 as varied sets out a density range of 50 dph – 150 dph for Centre and Urban Neighbourhood sites within the Key Town of Bray (Metropolitan Town with a population greater than 1,500), which would apply to the subject lands. The proposed density would accord with CPO 4.3 of the WCDP which seeks to increase density in existing settlements through a range of measures including brownfield

regeneration and increased building height, and also aligns with CPO 6.13 which relates to Table 6.1 and density parameters outlined therein (as outlined above). The proposal is also in accordance with Objective R2 of the Bray LAP which supports high density residential development.

8.3.4. Given the mixed-use nature of the proposed development, I consider it appropriate to calculate the density in accordance with Appendix B of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). On this basis the site area for density purposes should be reduced commensurate with the residential Gross Floor Area (GFA) as a portion of the overall GFA. The residential GFA (given as 41,013sqm) is c 67.5% of the overall GFA (60,732sqm) resulting in a net site reduced area of 3.51ha, and therefore a net density of 97 units per hectare.

8.3.5. Having regard to the foregoing I conclude that the density of the proposed development on this well located site within the settlement of Bray is acceptable and appropriate.

8.4. Impact on Proposed Residential Amenity

8.4.1. At the outset, I note that no specific matters of concern were raised by third party appellants or observers regarding residential amenity of future residents. I advise the Commission that Condition 2 of the planning authority's decision relating to the omission of 6 floors from Block E cites both visual and residential amenity as reasons for the condition, however the reason for referencing residential amenity in this regard is unclear.

8.4.2. I have assessed this development and quality of residential amenity under a number of subheadings as follows.

8.4.3. Unit Mix: CPO 6.27 of the WCDP requires that new multi-unit residential development provides an appropriate mix of unit types and sizes to ensure that there is a range of unit types available to suit the needs of the various households in the county, in accordance with the Design Standards for new Apartments, Guidelines for Planning Authorities (2020). CPO 6.15 requires, in summary, higher density proposals to

incorporate a mix of housing types and sizes and delivery of compact urban forms that enhance the local built environment.

- 8.4.4. The proposed development includes a total of 27 no. 1 beds (c.8%), 148 no. 2 beds (c.43.5%), 126 no. 3 beds (36.5%) and 40 no. 4 beds (12%). When the proposed houses are excluded it consists of 27 no. 1 beds (c11%), 148 no. 2 beds (c60%), 68 no. 3 beds (c.27.5%) and 4 no. 4 beds (1.6%). As such, whether considered in total or as apartments/duplex units alone, the proposed development would not exceed more than 50% 1 bed units in compliance with SPPR 1 of the Apartment Guidelines (2020 and 2023) which accords with CPO 6.27 of the WCDP. In compliance with CPO 6.15 of the WCDP, this high density development incorporates a range of housing types and sizes in a variety of formats and heights, which offers choice to prospective residents and, in my opinion, enhances the local built environment.
- 8.4.5. CPO 6.30 states that the maximum size of any single housing estate shall be 200 units and any developments in excess of that number should be broken up into smaller 'estates' and differentiated through use of different design themes. The proposed development is a mixed use development and includes 341 no. residential units. I would consider the proposal to constitute a new mixed use urban area north of and proximate to Bray town centre, rather than a housing estate. Notwithstanding, as referred to above, a range of residential typologies and built forms are proposed across the subject lands with varying heights and finishes (as outlined in the ADS provided) which effectively results in different character areas across the subject lands. In this context, I consider the proposal to align with CPO 6.30.
- 8.4.6. Quality of Units – Floor Areas: The applicant has provided a Housing Quality Assessment and Development Schedules which provides an overview of unit types and numbers proposed. This has been prepared in accordance with the Apartment Guidelines 2023. The majority of apartments and duplexes in the proposed development exceed the minimum floor area (required by SPPR 3) by 10% or more, with all apartments in Block E exceeding it by at least 14%. In addition to good quality room sizes, I note that a large number of units are provided with storage space in

excess of the minimum required.

- 8.4.7. In accordance with the Quality Housing for Sustainable Communities, Best Practice Guidelines 2007, the internal areas of all houses are in excess of minimum thresholds. Separation distances between rear first floor opposing windows either comply with or are in excess of those listed in SPPR 1 of the Compact Settlement Guidelines (2024).
- 8.4.8. A total of 228 (92%) of the proposed apartment units (including duplexes) are dual aspect and this includes all two bed (4 person) and three bed (5 person) units. All terraced houses are also dual aspect. As such the proposal is well in excess of the 50% minimum dual aspect threshold requirement for schemes in suburban or intermediate locations, as outlined in SPPR 4 of the Apartment Guidelines 2023. The WCDP confirms that its provisions are consistent with SPPR 4.
- 8.4.9. Ground floor apartment floor to ceiling heights either meet or exceed 2.7m, while floor to ceiling heights in upper floors typically 2.5m in Block H and 2.7m in Block E, demonstrating compliance with SPPR 5 of the Apartment Guidelines 2023. I am satisfied that the proposed floor to ceiling heights are acceptable.
- 8.4.10. The proposed floor plans vary between the two apartment blocks, however neither Blocks E nor Block H have more than 12 units per floor served by a single lift/stair core; Blocks E and H both have 8 no. apartment units per floor per core on a typical level. As such the proposed apartments comply with SPPR 6 of the Apartment Guidelines 2023.
- 8.4.11. Quality of Units – Amenity Space: Proposed apartment and duplex units are provided with private amenity space in the form of terraces (where apartments are at podium level) and balconies for units at upper levels. Balcony depths meet or exceed the requirement to be 1.5 m deep.
- 8.4.12. Private amenity spaces in the form of rear gardens for houses are set out in the WCDP as generally 50sqm for 1-2 bed units and 60-75sqm for 3+bed units. Having reviewed the HQA it is noted that garden sizes for houses range from 41.7sqm to 119sqm. However the minimum standards as set out in the Compact Settlements Guidelines 2024 for houses, which have been incorporated into the WCDP 2022-2028 (as

detailed in SPPR 2) provides that 2, 3 and 4+ bed houses have minimum sized rear gardens of 30sqm, 40sqm and 50sqm respectively. The HQA demonstrates that all houses either meet or exceed this standard. The WCDP provides that own door duplex units shall generally be provided with open space of 10sqm for the first bedroom and 5sqm per additional bedroom. Private amenity spaces for the duplex units are generally above these standards.

8.4.13. Communal Open Space: The proposed development includes the provision of 2,533sqm of communal open space across three areas, namely a podium garden at Block E (c.1,235sqm), a podium garden at Block H (c.388sqm) and community gardens (c.911sqm) serving the duplex units. Having regard to standards as set out in Appendix 1 of the Apartment Guidelines 2023 the proposed development would generate a requirement for approximately 1,795sqm of communal open space and the actual proposed provision of 2,533sqm exceeds this quantum.

8.4.14. All communal spaces will be appropriately accessible, designed, landscaped and overlooked. Play provision is also provided in the community gardens which serve the duplex units and also within the coastal gardens serving Block E. In this context the proposal is in compliance with Objectives CD2 of the Bray LAP and CPO 7.31 of the WCDP 2022-2028 which requires dedicated children's play areas in the residential open space areas for all new residential developments in excess of 50 units.

8.4.15. Public Open Space: Appendix 1 of the WCDP notes that public open space will normally be required at a rate of 15% of the site area, with areas within the site unsuitable for development or recreational use to be excluded before the calculation is made. Two areas of public open space are proposed. At the western entrance, interfacing with the existing public realm, a public plaza (c.2,500 sqm) is proposed, while at the southern part of the site a significant landscaped parkland area called Central Park (c.16,000sqm) linking the eastern and western parts of the site is to be delivered, which constitutes approximately 16.7% of the total site area. In addition to a good quality of design (outlined below), the open space areas benefit from good passive surveillance.

8.4.16. The Landscape Design Strategy for the development outlines the dedicated play areas within the scheme. In terms of the Central Park there are three dedicated play areas dispersed across the open space which cater for different age groups. The play areas contain a proposed mix of natural play and formal equipment to include universally accessible and sensory pieces of equipment, with formal play equipment detailed in the Landscape Design Strategy. Natural play provision and formal play equipment are proposed also in communal space at the coastal gardens, south of Block E, while natural play provision is also within the community gardens, serving the duplex units (pages 9-12 of the Landscape Design Strategy refer).

Mixed-use Games Area (MUGA)

8.4.17. I note that Objectives CD3 of the Bray LAP and CPO 7.37 of the WCDP state that '*All-new neighbourhood parks or active open space zones shall include a 'mixed-use games area' (MUGA) of an appropriate size and nature to be determined in pre-consultation with the Community, Cultural & Social Development Office of Wicklow County Council.*' The application documents advise that the applicant had section 247 pre-planning consultations with the planning authority as summarised in section 5 of the applicant's planning report and further detailed in Appendix A of that document. There appears to be no explicit reference made in the consultations record provided relating to a requirement to provide a MUGA in the new Central Park area. Given that no MUGA is proposed in the new neighbourhood park, the application / proposed development would not accord with Objective CD3 of the Bray LAP.

Material Contravention issue

8.4.18. I note there is a clear intention within CPO 7.37 that a MUGA 'shall' be included in all new neighbourhood parks. As no MUGA is proposed in this application which seeks to, inter alia, deliver a new neighbourhood park in the form of Central Park, I consider this to give rise to a material contravention of CPO 7.37 of the WCDP. Notwithstanding, I advise the Commission that if it is minded to grant permission for the proposed development, it may do so having regard to section 37(2)(a) of the Planning and Development Act 2000, as amended. I consider the proposed development to be of high quality design which offers future residents a very good standard of recreational amenity. As outlined in section 7.4.15 above, a variety of play spaces to cater for different age groups are proposed at various locations across the proposed Central

Park and in communal open spaces. During my site visit to the area I observed that a MUGA has already been provided and is operational in Phase 1 of Sea Gardens to the north of and proximate to the Phase 2 lands. Having regard to the foregoing, my view is that provision of a MUGA would not be required in the proposed public open space to serve the development.

8.4.19. Daylight and Sunlight: A Daylight and Sunlight Assessment Report is submitted with the application. Under the criteria as set out in BR 209, both with and without trees factored into the calculations, the Spatial Daylight Autonomy (SDA) value in 864 no. habitable rooms meets or exceeds target values giving a compliance rate of c.99.9%. c.78% compliance (considering trees) in terms of SDA is achieved by reference to I.S. EN 17037. The additional SDA assessment under I.S. EN 17037, that does not include trees, has shown a compliance rate of c.80%.

8.4.20. In terms of Sunlight Exposure (SE), 247 units have been assessed (Figure 1.1 on page 3 of the Daylight and Sunlight Assessment refers). Considering all trees, 181 units are considered high, 13 are considered medium and 16 have reached the minimum recommendation; 37 units are below the minimum recommendation. Depending on effect of trees, the approximate compliance rate for assessed units in accordance with BRE Guidelines is between 85% and 86%. Each incidence of non-compliance with the SE recommendation is in a unit that is predominantly north facing.

8.4.21. It was concluded that all but one of the assessed rooms has achieved the recommended level of daylight as per the BRE Guidelines. The only room that remains below the recommended minimum level of daylight is the LKD of Unit E.01.008, which is located at podium level on Block E. Compensatory design solutions have been provided by the project architect where rooms do not achieve the daylight provision targets as set out in the BRE Guidelines. Page 29 of the Assessment provides details of the compensatory design solution for this unit which includes flipping the entrance and significantly increasing window size.

8.4.22. A Sunlight on Ground (SOG) analysis was also undertaken which concludes that access to sunlight on March 21st within public and communal open spaces accords with BRE criteria in 7 out of 8 areas (compliance rate of c 88%), with the podium area

at Block E not meeting BR 209 criteria. Notwithstanding, I am satisfied that this area still has an amenity function. This area is proximate to a larger area of public open space (Central Park) and I am satisfied that residents of Block E would have access to adequate amenity space. The overall quality of communal open space is acceptable.

8.4.23. I consider the performance of the scheme to be acceptable and relatively high having regard to the density requirements for this well-located and highly accessible site. I note that not all units / areas of space can be expected to be fully compliant within an established urban area. In this regard the Compact Settlements Guidelines state:

‘In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.’

8.4.24. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units and open spaces.

Conclusion

8.4.25. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. Room sizes and amenity spaces are of a good standard. The proposal has a significant number of dual aspect units. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site located in Bray within the Metropolitan Key Town of Bray in accordance with national policy guidance, are in my opinion, acceptable and will result in a high level of residential amenity for future occupants of this development. It is considered that the proposed

development complies with the requirements of national and/or local policies as relevant to a scheme of this nature.

- 8.4.26. As highlighted in section 8.4.17 above, WCDP objective CPO 7.37 states that a MUGA shall be included in all neighbourhood parks. Given that no MUGA is planned in the proposed new neighbourhood park, I consider that a Material Contravention of CPO 7.37 of the WCDP arises.

8.5. Building Height, Layout and Visual Impact and Condition No. 2

- 8.5.1. The building heights for the proposed development consist of 2 - 3 storeys for the houses/duplexes, 1 - 2 storeys for Block G (retail use), 3 - 4 storeys for Block H (mixed use), 3 - 7 storeys for Block I (retail/commercial (hotel) use) and 3 – 15 storeys for Block E (mixed-use block). The Sea Gardens Masterplan provides for a number of taller buildings, or ‘finger blocks’ which address the seafront, while generally setting back two and three storey buildings from the coast. Section 3.2 of the Architectural Design Statement (ADS) examines the layout strategy of the proposed development, which aims to create a smooth transition between the new development and the established town of Bray by strategically positioning buildings on the lands. In this regard and as referred to above, lower rise buildings are located inland to minimise potential impacts on the existing built form of adjoining areas. Sections 3.6 and 3.7 of the ADS examines the layout and height strategy (which places higher buildings towards the coast, thereby aligning with the Masterplan) and proposed building heights respectively. Block E is a landmark/marker building and is positioned at the end of the new Central Park in a very prominent location at the axis of views along the River Dargle, and from Main Street, Quinsborough Road, Station Road, the Promenade, Bray Head and the coastline of Dublin. Section 3.8 of the ADS examines the layout and design of Block E and considers that its Art Deco inspired design and symmetrical/horizontal form of the building will anchor the site and signifies the expansion of Bray town centre.
- 8.5.2. The assessment of design, layout and visual impact is closely related to the issues of building height and density. Both local and national policy considers these and other planning matters as part of a comprehensive assessment of building height. Third party submissions received consider that Block E height is excessive, would be

visually intrusive (even at a height of 9 storeys), would present an avian collision risk and that its design is motivated by profit.

- 8.5.3. Condition 2 of the planning authority's decision reduced the height of Block E from 15 to 9 storeys and I note that the applicant has appealed this condition as part of their first party appeal. The planning authority had initially raised concerns relating to the scale and height of Block E in its FI request, particularly noting that the proposed building would appear to jar with both the existing and permitted development and would appear to overwhelm the views both within and from outside of Bray. Furthermore, it considered that a building of this height would appear to be contrary to Objective SL03 of the Bray Municipal District Local Area Plan 2018. My assessment in relation to the proposed building height of Block E is detailed below in Table 8.5.1.
- 8.5.4. The ADS (Section 3.8) assesses Block E against criteria in the Urban Development and Building Heights: Guidelines for Planning Authorities (2018). These Guidelines support increased building height and density in locations with good transport accessibility and disallow blanket numerical limits on building heights. Chapter 3 of the Guidelines relates to the assessment of planning applications and appeals and notes there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility.
- 8.5.5. In terms of local planning policy Objective BT3 of the Bray Municipal LAP 2018 is relevant and notes that generally a height of 4 storeys (including ground floor) will be appropriate in the Bray 'town centre' zone, although it is noted that the Council may permit heights above this where the specific site context and building design of the building allow it (e.g. where additional storeys are set back from street frontage). CPO 6.17 of the Wicklow County Development Plan 2022-2028 is supportive of taller buildings provided compliance is achieved with the assessment criteria set out in the Building Height Guidelines.
- 8.5.6. Section 3.1 of the Building Height Guidelines outline three broad Development Management Principles which planning authorities must apply in considering development proposals for buildings taller than prevailing heights in urban areas. In response to these principles I would note the following:

- The first principle requires the proposal to positively assist in securing NPF objectives relating to development in key urban centres. The Revised NPF was issued in April 2025 and having regard to my assessment set out in section 8.2 above, I consider the proposed development would contribute to the achievement of the NPF objectives on focussing development on suitably zoned locations within key urban areas and thereby supporting NPOs to deliver compact growth in such areas.
- The proposal for increased height as it relates to Block E can be considered in the context of CPO 6.17 of the WCDP which has considered the requirements of Chapter 2 of the Building Height Guidelines. Objective BT3 of the LAP also provides that building heights above four storeys can be permitted where the specific site context and building design of the building allow it.
- The Guidelines pre-date the current WCDP. The Bray Municipal LAP 2018 predates the Guidelines, however following examination, I consider that the LAP does not include any specific provisions relating to the subject site that would not align with or support the objectives and policies of the NPF / Revised NPF.

8.5.7. SP3PR 3 of the Building Height Guidelines state that where a planning authority concurs that an application complies with the Development Management Criteria outlined in section 3.2 of the Guidelines, and in taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant development plan may indicate otherwise. In this instance, I do not consider that there are any specific objectives within the WCDP and the Bray LAP that would exclude approval. Notwithstanding, I note that the proposed development, specifically Block E (as identified by third parties), would be significantly higher than prevailing and permitted building heights in the area. Therefore, it is appropriate to apply the criteria outlined in Section 3.2 of the Guidelines, as required by the WCDP. This requires the proposed development to be assessed at various scales, as set out below.

Table 8.5.1 Assessing proposals for increased height

Criteria	Assessment
At the scale of the relevant city / town	
The site is well served by public transport with high capacity, frequent service and	I am satisfied that the site is well served by public transport. Bray Daly Railway Station is

good links to other modes of public transport.	located approximately 600m from the site and has high-capacity DART and Commuter Rail services. The Bray to City Centre Bus Connects Scheme has been approved. The site is served by the Dublin City-Bray Bus Corridor (24 hour E1 service). Future proposed public transport services in the area include upgrading of train services (DART+ Coastal South project) and the extension of Green Luas line to Bray. (See Table 8.6.1 below which reflects public transport services serving Bray).
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	A Masterplan for the entire Sea Gardens development is provided with the planning application. The overall development at Sea Gardens is proposed as a higher density scheme located in a new Urban Quarter within the footprint of Bray and to the north of Bray town centre. In terms of integration with the character and public realm of the area, I note the subject site is not located within an architecturally sensitive area. I note the coastal location of the site and wider masterplan lands. The WCDP, through CPOs 19.8, 19.9 and 19.16 aims to protect the character and visual potential of the coast; to strictly control development in coastal areas; and to enhance the amenities of the Bray coastal area. I note the planning history in the immediate area and policy context which supports increased height and scale on the site and wider masterplan lands. The WCDP notes that Views and Prospects for Bray are mapped in the Bray LAP. The site is not affected by any mapped protected views or prospects. Map H4 (Heritage Objectives Map) of the Bray LAP indicates two Views and Prospects in the vicinity of the site i.e. one view west from the coast is proximate to the subject site and one view towards Bray Head is located south of the River Dargle. The Wicklow Landscape Assessment referred to in CPO 17.35 of the WCDP (specifically the Landscape Category Map) places the site in an 'Urban area' which is deemed suitable for development; it is stated in the Landscape Assessment of Appendix 5 to the WCDP 2016-2022 that impacts on the wider landscape of

	such development have already been deemed acceptable. I consider the proposal would successfully integrate into/enhance the character and public realm of the area. It would transform part of the former golf course (now disused) by opening it up to the public through new physical links (including pedestrian and cycle links) and public open spaces in the form of the Central Park located to the south of the site and proximate to the western gateway at the south-western portion of the site. These spaces would significantly benefit the legibility, appearance and character of the area. The proposed development is compliant with Bray LAP SLO 3 as detailed in section 8.2 of this report. An LVIA is provided with the application and contained within the EIAR (Chapter 11). I will address this in Table 8.5.2 below.
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	I note the design of the masterplan lands including Phase 2 development is DMURS compliant (as per the submitted DMURS Statement) and this approach along with a highly permeable network of streets will facilitate active travel for future residents, workers, customers and visitors to this proposed mixed-use development. The layout strategy of the Sea Gardens masterplan is to locate higher residential blocks (called 'finger blocks') nearer the coast with lower rise buildings inland. Proposed buildings vary in scale, form and height. Proposed Block E (mixed-use block), the tallest building proposed, ranges in height from 3 to 15 storeys and is positioned at the end of the Central Park proximate to both the River Dargle and the coast. This location is, in my view, suitable to accommodate a landmark building such as that proposed in the form of Block E. Proposed houses and duplex units positioned further inland are of 2-3 storey design. Block I ranges in height from 3 to 7 storeys, Block H is 3 to 4 storeys high and Block G is 1-2 storeys in height, and again is located further inland near existing low rise development at the western part of the site. The buildings have distinctive character, and a variety of form,

	massing and height in addition to a variety of finishes which will create visual interest in the streetscape. Appropriate densities are achieved through massing and height strategies.
At the scale of district / neighbourhood / street	
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.	The proposed development is designed to respond to its overall natural and built environment. The lower height and scale of development at the western part of the site responds to existing lower rise development e.g. at Dwyer Park. The higher blocks, including Blocks I and E, are located in the eastern part of the site and as such no undue impacts on the amenity of existing development is foreseen. There are appropriate interfaces between the proposed development and the new Central Park proximate to the south of the site. The contemporary design approach draws reference and inspiration from the existing traditional town centre of Bray while also reflecting the seaside character of the town.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.	The proposed blocks are visually interesting due to their varying heights and designs. Art-deco type design, curved balconies and light coloured brick finishes generally apply to Blocks E, H and I. While I note that Block E is of significant height and scale, the design approach to this and all of the blocks avoids long, uninterrupted walls of building in the form of slab blocks and would not result in a monolithic appearance. The height and massing of the development is designed to concentrate the taller elements of the design away from existing neighbours and towards the coast. The houses and duplexes located further inland reduce the scale to human scale. Block G which is lower in height (1-2 storeys) located at the western gateway to the site connects the development to existing local shops, bus routes and plays an important role in integrating Sea Gardens with the wider area and public realm.
The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to	The former Bray Golf Club lands of which this site forms part, have been disused for a significant period. The Masterplan led approach, and this proposal seeks to facilitate a high density mixed-use development

be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009)	comprising residential, retail and commercial development including a childcare facility and a hotel which accords with SLO3 of the Bray LAP and indeed the WCDP. Landscaping measures and details of public open space including the large linear Central Park proximate to the south of the site are set out in the submitted Landscape Design Strategy and Landscape Plan. Open space will be appropriately overlooked by the proposed buildings. I am satisfied that the areas of public open space are appropriately sized, well designed and will enhance the overall amenity of the scheme. Pedestrian connections from the Western Gateway through the underpass to Bray Harbour and a new connection to the Dublin Road from the new Southern Access Road are proposed. The proposed development provides shared routes across the subject site providing access to landscaped public open space. The pathways link into adjoining areas. Overall, I consider that the proposal includes development of an appropriate height and scale which would create an enhanced sense of enclosure in the public realm. Following assessment relating to flood risk as outlined in section 9.10 of this report, I am satisfied that the proposal is in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).
The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.	The proposal facilitates good permeability across the site as described as described above, facilitating public connectivity. The layout uses a range of clearly identified routes and public open space to form a high quality layout; the tall buildings proposed within the development facilitate wayfinding / navigation. These measures significantly improve legibility through the site. Block E, the proposed 15 storey landmark building would serve to identify the new urban area north of the River Dargle.
The proposal positively contributes to the mix of uses and/or building/dwelling typologies available in the neighbourhood	The proposal facilitates both these objectives. In terms of residential development, given the variety of building types proposed, people will have access to a mix of dwelling typologies in

	the area, providing a mix of 1, 2, 3 and 4 bed units, which will cater for people at different lifecycle stages. The proposal also offers suitable retail and commercial developments including a childcare facility, medical centre, hotel with function room and swimming pool. An appropriate range of uses at street level are proposed which would foster a vibrant neighbourhood / area.
At the scale of the site/building	
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	The proposed development would provide appropriate access to daylight, ventilation and views and would not result in any unacceptable overshadowing. Panoramic coastal views would be available from Block E located at the eastern side of the site, overlooking the Irish Sea.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.	See Section 8.4 of this Inspector's report.
Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.	See Section 8.4 of the Inspector's Report. In terms of proposed residential amenity this section concludes as follows: <i>The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site located in Bray within the Metropolitan Key Town of Bray in accordance with national policy guidance, are in my opinion, acceptable and will result in a high level of residential amenity for future occupants of this development.</i>
Specific Assessments	
To support proposals at some or all of these scales, specific assessments may be required and these may include: - Specific impact assessment of the micro-climatic effects such as down draft. Such assessments shall include measures to	The application includes a Wind Microclimate Modelling Report. This finds that as a result of the proposed development, the wind on the surrounding urban context remains suitable for the intended use when compared with the baseline situation. The report notes that the proposed development <i>does not impact or give</i>

avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered. - In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision. - An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links. - An urban design statement including, as appropriate, impact on the historic built environment. - Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	<i>rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings. Moreover, in terms of distress, no critical conditions were found for "Frail persons or cyclists" and for members of the "General Public" in the surrounding of the development.</i> I am satisfied that this analysis has been carried out with an appropriate methodology and that the proposal would have no unacceptable impacts. The matter of collision risk for birds is addressed in the EIAR and NIS. A Telecommunications Impact Assessment Report is provided with the planning application. The report notes that while two Microwave links traverse quite close to proposed Block I, it was concluded that the proposed development will not impact those telecommunication channels. This is on account of the height and site elevations of the proposed development which are not blocking the channels currently emanating from the Solus Water Tower Telecommunication Antenna Site. Therefore no recommendations regarding implementation of mitigating infrastructure are made. Based on the findings of the report I am satisfied that the proposal would have no unacceptable impacts on telecommunications channels. A comprehensive Architectural Design Statement (ADS) for the proposed development is submitted with the planning application. Further, the applicant provided an Architectural Heritage Assessment Report (AHIA) in response to FI Item No. 7. The AHIA finds that Block E does not detract from key heritage features such as the Victorian Seafront and that the proposed development is located beyond the historic core with sufficient separation distances evident to ensure negative impacts would be avoided. An EIAR, an AA Screening Report and NIS are provided with the planning application. The Wicklow County Development Plan 2022-2028 has been subject to SEA. A Landscape Plan, Tree Survey Report and Bat Survey are provided.
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	The Biodiversity chapter of the EIAR includes information on surveys undertaken and ecological impacts.
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- 8.5.8. Having regard to my assessment above, I consider that the proposed development satisfactorily meets the Development Management Criteria as outlined in section 3.2 of the Building Height Guidelines. Block E, the proposed 15 storey landmark mixed-use building which accommodates 109 apartments, contributes to the achievement of the required densities. This block exhibits a variety of form, massing, and height which in turn creates visual interest. This landmark building also serves to identify, in the townscape, the new urban mixed-use area to the north of Bray town centre. I am satisfied that the proposal would make a positive contribution to place-making, would be of high quality in terms of design, finishes and internal standards, and would appropriately integrate with its context and positively contribute to the character and amenities of the area. Having regard to the foregoing I consider the proposed development accords with WCDP Policy Objectives CPOs 19.8, 19.9 and 19.16 which, respectively, seek to protect the character and visual potential of the coast, to strictly control development in coastal areas and to enhance the amenities of the Bray coastal area.

Condition 2 – Reduction in Block E height to nine storeys

- 8.5.9. The first Planning Officer's report expresses concerns regarding the visual impact of Block E due to its scale and height of 53m, and potential impacts on the Victorian Seafront and natural heritage including Bray Head and the Little Sugarloaf. Furthermore, the planning authority considered that the proposal would not accord with a specific provision of SLO 3 of the Bray Municipal LAP 2018 which requires that the design and finishes of all buildings shall not result in 'jarring distortions of scale, format or design.' These concerns were raised in a FI request (Item 7), following which the applicant provided a comprehensive response including an Architectural Heritage Impact Assessment (AHIA), and submissions from the project architects and planners with a view to further justifying the scale and design of Block E in the context of local, regional and national planning policies and seeking to further explain the design rationale of Block B as a landmark building.

8.5.10. The AHIA provided at FI stage and the LVIA submitted with the planning application consider that Block E is visually appropriate, does not detract from key heritage features such as the Victorian Seafront and Bray Head, and that the proposed development is located beyond the historic core with sufficient separation distances evident to ensure negative impacts would be avoided. However, the planning authority's concerns remained with regards to visual impact, with reference made in the second planning report to the dominant nature of Block E in views from Bray Seafront and from Fiddlers Bridge to the south which relates to the railway bridge at Bray Head. Protected View and Prospect No. 8 of the Bray Municipal District LAP (as set out in the Heritage Schedule) refers to the view from below Fiddlers Bridge leading to Bray Head along the Esplanade towards Martello Terrace and the Sailing Club, particularly of the houses along Strand Road. The planning officer's second report noted also that An Bord Pleanála had reduced the height of proposed Block B (under ABP-314686-22) on a nearby site to the north from 12 storeys to 9. Based on the foregoing, the planning authority reduced the height of Block E from 15 storeys to 9 storeys through removal of 6 storeys (i.e. floors 4,5,6,7, 11 and 12) in the interests of visual and residential amenity, as outlined in Condition 2. Removal of these floors has the effect of reducing the number of residential units within the scheme by 44, resulting in a total of 297 units provided across the scheme, with a nine storey Block E providing 65 units.

8.5.11. The first party has appealed Condition 2 of the planning authority's decision, with grounds set out in section 7.2 above. These include that the reduction in height of Block E by six storeys would profoundly impact on the viability of the building, and that ultimately a nine storey Block E would not be constructed, and requesting the Commission to refuse permission for Block E should it decide that a 15 or 12 storey building not be appropriate on the site. In this context, the appeal includes plans and drawings for a 12 storey Block E, should the Commission decide that a 15 storey Block E is inappropriate on the site. The 12 storey block includes 87 apartments consisting of 9 no. one bed units, 61 no. two bed units, 9 no. three bed units and 8 no. four bed units. This is an overall reduction of 22 units on the proposed 15 storey Block E.

8.5.12. In the context of building height on the wider Sea Gardens Masterplan lands, I would note that the Commission recently granted permission for 159 residential units in

buildings ranging in height from 3 to 11 storeys on a site north of the proposed development within the administrative area of Dun Laoghaire County Council (ACP-324074-26 refers).

8.5.13. I have assessed the proposed development in the context of increased height (see Table 8.5.1 above). I have concluded therein that the proposal, including the proposed Block E landmark building of 15 storey design, would, in my opinion, be acceptable on the subject site located within the former Bray golf club lands. I note that the first party appeal also includes visuals of a 15 storey, 12 storey and 9 storey Block E. My view is that the original 15 storey iteration clearly reads as a landmark building at this site (aligning with the Masterplan for the lands) and accords with the key principle of increasing building height proximate to the coast, with lower development proposed inland. There is not, in my view, any policy provision in either the WCDP 2022-2028 or the Bray Municipal District LAP 2018 which would prohibit the construction of a landmark building of 15 storeys at the subject location. Table 8.5.2 above details my assessment of visual impacts of the proposed development based on the LVIA provided and the associated verified views.

8.5.14. Phase 2 of the Sea Gardens development including Block E forms a new urban area to the north of the town centre, which is of distinct character and urban scale. While the proposed development would read as a notable insertion in the townscape, I concur with the LVIA findings that this new development does not detract from or dominate the existing character and townscape of Bray as experienced on The Promenade. I note the relatively significant separation distances between proposed Block E and Fiddler's Bridge, Bray Head and the Little Sugarloaf of c 1.8km, c 2.4km and c 4.6km respectively. Based on the LVIA provided and having regard to Map H4 (Heritage Objectives Map) of the Bray LAP, I do not consider that Block E would overwhelm or terminate key views or impact on protected views and prospects.

8.5.15. While I note Condition 2 of the planning authority's decision references residential amenity as a reason to reduce the height of Block E, it is unclear from the planning reports on file as to how the planning authority reached the conclusion that the proposed development would impact negatively on residential amenity. In this regard I agree with the first party that proposed Block E apartments will provide future

residents with a high standard of accommodation and amenities as reflected in the Housing Quality Assessment.

- 8.5.16. To conclude, I consider that the subject site is capable of accommodating additional height as proposed in relation to Block E. Based on all submitted information including the overall Sea Gardens Masterplan, the LVIA, the ADS, the AHIA, and photomontages, I am of the view that the proposed 15 storey height of Block E would not seriously injure the visual amenities of the area, would be acceptable and would accord with SLO 3 as outlined in the Bray LAP. Therefore, for the reasons set out above, I consider that inclusion of Condition No. 2 is not required.

Visual Impact

- 8.5.17. The LVIA is contained within Chapter 11 of the EIAR and Appendix 11 of this document consists of verified views / photomontages prepared for the proposed scheme including cumulative developments where relevant. Having examined these images and inspected the site, my assessment of impacts is summarised in the table below.

Table 8.5.2 Assessment of Visual Impacts

View Nos.	Location	Assessment
1-2	Dublin Road	Viewpoints sensitivity given as Medium. Generally screened by or partially viewed in the context of existing development. In View 1 proposed Block E would be visible in the distant skyline and identifiable as a landmark building denoting a new urban area to the north of Bray town centre. I would concur that the magnitude of change is low. From View 2 a large part of the new development on the lands is visible. In the distance, part of the hotel building is visible and further east, Block E at the far side of the site is also visible. Having regard to the foregoing, the magnitude of change is medium-high. ' I concur that the significance of effects would be moderate-significant positive at operation stage; the character of the view would be significantly changed by the proposed contemporary development which is well designed with high quality finishes and would stimulate visual interest at this gateway location.
3-6	Dwyer Park	Viewpoint sensitivity given as Medium for Views 3 and 4 and Low-Medium for Views 5 and 6. Proposed 2-3 terraced units are visible in the gaps between the houses in Dwyer Park but do not rise above the

		roofline of these houses. The significance of effect at operation stage for View 3 is given as slight negative due to removal of the treeline behind the Dwyer Park houses and I agree with this classification. Part of Block G (commercial/retail complex of 1-2 storey design) would be visible as would part of Block E in the distance (see View 5). View 6 shows that part of Block E is visible from Castle Street (south of an entrance to Dwyer Park), however it is a distant view and would not be prominent. I concur that the significance of effects would be slight positive from this view as the proposal would create interest with no negative effect on any valued/protected view.
7-9	Fran O' Toole Bridge and Lower and Upper Main Street	Viewpoint sensitivity given as Medium for Views 7 and 8, and Low-Medium for View 9. Viewpoint 7 from Fran O'Toole Bridge is an important view as the proposed development will be clearly visible, and as such viewed by many, from this vantage point. Block G at the western gateway to the site (single and two storey commercial/retail units) is clearly visible and prominent. To the rear/east of Block G the roofs of proposed houses are visible. The hotel (Block I) and Block E are also clearly visible in the distance, the latter block located at the end of the proposed Central Park, proximate to the mouth of the River Dargle and along the coastline, which in my view is suitable to accommodate a landmark building. I agree that the magnitude of change from this viewpoint is high. The proposed development would establish a diverse mixed use development on the former Golf Club lands and consist of a range of building types with varying heights and high quality material finishes. The significance of effects would be very significant positive at operation stage; the character of the view would be very significantly changed by the proposal. There is no negative effect on any protected view. The view from Lower Main Street (Viewpoint 8) captures the western side of the proposed development, including Block G. I agree that the addition of a new/contemporary development to the townscape would be a notable change and the magnitude of change is classified as medium. The significance of effects is classified as moderate-positive at operation stage; the character of the new development clearly differs to that of the Main Street and the proposal denotes that the town centre has expanded to the north. Viewpoint 9 from Upper Main Street includes proposed Block E and this building would be

		prominent although located some distance away. It would read as a landmark building within the new urban quarter to the north of Bray town centre. I agree with the LVIA that Block E would not harm the character of the Main Street. I concur that the significance of effects would be moderate-positive at operation stage; the character of Main Street would not be altered by the proposed development. Block E, deliberately positioned at the axis of the coastline and River Dargle, would read as a landmark building and denote the presence of the new urban area to the north of Bray town centre.
10-11	Residential neighbourhoods to the west / south west (People's Park and Beech Road)	Viewpoint sensitivity given as Medium-High and Medium respectively. View 10 is from an inner-urban park (People's Park) close to the original centre of the town. Proposed Block E would be prominent in the skyline, rising above lower rise development in the intervening townscape. It would function as a landmark building denoting the new town centre. I concur that the magnitude of change would be medium. The significance of effects would be significant positive at operation stage; Block E would be a new insertion into the townscape, create visual interest due to its height and architectural design. The attractive foreground landscape would remain unchanged. In terms of View 11, some views from this area would feature Block E, rising above the rooftops of the surrounding townscape, and located c 1km away. The magnitude of change is low, while the significance of effects at operation stage is classed as slight positive on the basis that Block E, although visible in the distance, would not affect the character and visual amenity of the local area. I concur with this assessment.
12-15	Ravenswell Area – North of the site	In terms of View 13, the landscape/townscape is undergoing change with primarily 2-3 storey housing within the proposed development clearly visible. The magnitude of change is Medium – High while the significance of effects is given as moderate-significant positive at operation stage on the basis that the former disturbed/disused golf course landscape would be replaced by an attractive new high quality development. I concur with this assessment. In terms of View 14, the lower rise housing positioned at the north of the subject site are set at a lower level than the schools and as such, from this view, mainly their rooftops are visible. The magnitude of

		change is stated as Low and I agree with this classification. Viewpoint 15 reflects the proposed change i.e. from a disused golf course to a mixed use development. A new road across the site ties in with the school road facilitating connectivity across the lands. The magnitude of change in relation to View 15 would be high on the basis that the former golf course lands are replaced with a high density mixed use development. Significance of effects would be significant positive at operation stage; the proposed development comprises high quality built form and finishes, and quality open spaces including the proposed Central Park. Valued distant elements of the view are maintained (Bray Head).
16 - 21	River Dargle (east of Fran O'Toole bridge)	Viewpoint sensitivity for Views 16, 17 and 18 are given as Medium to Medium High. These views are from the banks of the River Dargle towards the north-east and as such these are important views. Magnitude of change is given as High and Medium High which I consider to be accurate. View 16 captures Block G retail buildings of 1-2 storeys in height. At the far end of the site Block E is positioned overlooking the coast and the river. The significance of effects would be significant positive at operation stage; the proposed development would transform the townscape on the northern side of the River Dargle through development of a new mixed use urban quarter with a variety of building typologies and heights along with public plazas and public open space. The significant change in the landscape/townscape would occur without impacting any protected views or prospects. Views 17 and 18 are from half-way between Fran O'Toole Bridge and the railway bridge, on either side of the river looking east. The hotel building (Block I) and Block E would be new additions prominent in the landscape, with the built form increasing in height towards the mouth of the river. Again, the significance of effects is classified as significant positive at operation stage for similar reasons to those listed above and I agree with this assessment. The assessment notes that the broadest elevation of Block E is in view and considers that its 15 storey height is critical to its elegant form. I concur with this opinion. Viewpoint sensitivity for Views 19 and 20 to the south-west are given as Medium-High and Medium

		respectively. Block G buildings are set back from the bridge and have no effect on its setting. The lower rise houses and duplexes are visible from these views as well as the planting in the Central Park. View 21 is oriented west from the eastern riverside point of the site. Viewpoint sensitivity is given as Medium. Block E is prominent at the end of the Central Park. The view and townscape would be significantly altered by the proposed high density mixed use development and therefore magnitude of change is high. The significance of effects is classified as significant positive at operation stage; as detailed above the proposed urban mixed-use development would positively transform the landscape on the north side of the River Dargle in line with the zoning objective for the area. I concur with this assessment.
22-25	East of site – the Harbour Area	Viewpoint 22 (Pedestrian path east of Coastal Quarter): Viewpoint sensitivity given as Low. The proposed development is not visible and as such the magnitude of change is appropriately classified as negligible. Viewpoint 23 (Harbour Road at pedestrian entrance to site beneath railway). Viewpoint sensitivity given as Low. Proposed Block E transforms the view; a corridor is formed between Phase 2 and Phase 1 development. Magnitude of change is given as Very High and I concur with this classification. Significance of effects is stated as significant positive on the basis that the design of the built form creates a legible gateway and a through-route across the site. I concur with this opinion. Viewpoint 24 (Harbour South Wall). Proposed Block E would be a very prominent addition to the view, forming a landmark at the site. A slender façade of Block E is evident from this viewpoint. Part of the hotel is visible as is some of the terraced housing fronting Central Park. Magnitude of change is given as high. The significance of effects would be significant positive at operation stage. In this context; the proposed development would denote the delivery of the high density mixed use development to the north of Bray town centre and the eastern gateway from the harbour area, along with landmark building Block E. Viewpoint 25 (Harbour Road). Viewpoint sensitivity given as Medium. Block E again would be a prominent addition to the view and it is angled towards the Harbour, Promenade and Bray Head presenting a slender elevation to these areas. I concur that the significance of effects would be significant

		positive at operation stage. There is sufficient separation distance (greater than 200m) from harbour buildings to avoid sensitive foreground area and buildings being dominated by Block E.
26-30	Seapoint Road and Seapoint Court (South of River Dargle)	From Viewpoint 26 the proposed development would be entirely screened by a permitted apartment development in the foreground. There is no change arising from the proposal, and significance of change is given as no effect. If that development was not built Block E and the hotel (Block I) would be prominent buildings in the new urban quarter on the north side of the River Dargle. From Viewpoint 27, a part of the proposed hotel would be visible between houses. As such the magnitude of change is Low and significance of effects would be slight neutral at operation stage on the basis of the limited visibility of the hotel building c 300m from the viewpoint. I concur with this assessment. Magnitude of change for Viewpoints 28-30 inclusive is Medium to High. From Viewpoint 28, the hotel building rises above the trees planted in the Central Park. Proposed Block E protrudes above the roofline of the houses but is screened by a foreground tree. From Viewpoint 29 Block E is clearly visible while the hotel (Block I) is largely screened by trees. From Viewpoint 30 both Block E and the hotel Block I are clearly visible. The significance of effects for Viewpoints 28-30 are considered in the LVIA to be significant positive at operation stage. In this context; it is stated that Seapoint Court would be incorporated into the expanded town centre. It is acknowledged that there would be significant visual effects on the estate with juxtapositions in development typologies and scale across the river which are not inappropriate nor undesirable in this metropolitan city-region. It is considered that there would be no loss of visual amenity and that the proposal would form an interesting and exciting new urban core. Overall I concur with the LVIA in this regard. It is clearly apparent from the information provided in the LVIA that the views from Seapoint Court would fundamentally change as a result of the proposed development.
31-33	Quinsborough Road and Bray Train Station	Viewpoint 31 (Quinsborough Road) sensitivity is given as Low-Medium; the proposed development would not be visible from this location and therefore the townscape would not change.

		Viewpoint 32 (Quinsborough Road at Seymour Road Junction) sensitivity is given as Medium. Block E would be visible along with previously permitted Block B (Phase 1). I agree that the significance of effects would be moderate positive at operation stage from this viewpoint. In this regard Block E would function as a marker of the proposed high density mixed use development on the northern side of Bray town centre. Viewpoint 33 (Bray Train Station) is given as Low-Medium. Again Block E would be visible and presents a stepped profile; the building functions as a marker of the new urban area north of the town centre. Magnitude of change is given as Medium and I concur with this classification.
34-37	The Promenade and Bray Head	Viewpoints 34 and 35: Northern end and middle stretch of The Promenade. Viewpoint sensitivity identified as Medium-High. In Viewpoint 34, Block E would rise above the roofline of Martello Terrace, with the south-east façade presented. The corner of the hotel, much lower and less prominent is also visible. In Viewpoint 35, Block E rises above the roofline of the houses fronting the Promenade. Block E would be identifiable as a landmark building in this view. The significance of effects are stated as moderate positive at operation stage. In this regard the LVIA notes that Block E's prominent position, its scale and architecture are all intended to catch the eye and that the building would be an indicator of the contemporary and high density character associated with the new urban area north of the Dargle River. The LVIA also notes that the existing valued elements of the views-the sea, the strand, the Promenade open space and historic architecture would remain and that the proposed development would add another element of visual interest. I accept this rationale as it relates to the significance of effects arising from the proposal in terms of Viewpoints 34 and 35. I note that the AHIA provided at FI stage considers that Block E does not detract from key heritage features such as the Victorian Seafront and Bray Head, and that the proposed development is located beyond the historic core with sufficient separation distances evident to ensure negative impacts would be avoided. I agree with this analysis. Viewpoints 36 and 37: Bray Head Cliff and Summit. Viewpoint sensitivity identified as High. In Viewpoint 36 both proposed Block E and Block I (hotel) are prominent additions to the urban landscape

		and form part of a cluster of contemporary buildings of scale. In Viewpoint 37 more of the buildings are visible including houses and Block G but buildings are less prominent as they are viewed from a height. Magnitude of change is given as medium and I agree with this classification. The significance of effects are stated as moderate positive at operation stage. In this regard the LVIA also notes that the existing valued elements of the views-the sea, the coastline and dramatic landform would remain, while the urban character would be changed by a new cluster of buildings of contemporary urban scale and distinct character. It considers that the character of the existing urban area would not be diluted by the new contemporary development and that it would do no harm to the character of Bray. I agree with the foregoing analysis as outlined in the LVIA.
38-39	DLRCC area - north of Bray	Magnitude of change is negligible from Woodbrook Glen housing estate (Viewpoint 38); proposed Block E located c 500m away, may be discernible in winter only through trees. As such this Block would have no significant effect on the character or quality of the view. In terms of Viewpoint 39 the proposed development is screened from view by trees at the boundary of Shanganagh Cemetery and magnitude of change is given as none .
40-42	Killiney and Dalkey	Proposed Block E would be discernible in the distance and functions as a landmark building. A negligible to low magnitude of change in panoramic views would occur. I agree that the significance of effects would be ' not significant neutral to slight positive ' at operation stage from these viewpoints. At this distance and in the context of coastal development between Dalkey and Bray the proposed development would have no negative effect on views. Block E nevertheless would be visible and would read as a landmark building adding to the visual interest of the landscape, sea and townscape in view.

8.5.18. Having regard to the foregoing, I am satisfied that the proposed development, including Block E, would not have any unacceptable impacts on the visual amenity of the area.

8.6. Traffic and Transport

8.6.1. A detailed Traffic and Transport Assessment (TTA) is submitted with the planning application and outlines existing services within the receiving environment, future

transport proposals in the area, proposed car parking and cycle parking provision, details of the walking and cycling environment, trip generation analysis and traffic impact analysis.

- 8.6.2. A number of third party submissions express concerns that the proposed development would lead to and / or exacerbate traffic congestion on the local road network. Other concerns relate to the car parking quantum, which is considered excessive, and that reliance on the car as a mode of transport would be higher than indicated in the planning application. These matters are examined below.

Public Transport

- 8.6.3. Having regard to the location of the Bray Daly Railway Station c.600m from the project site, served by a high quality transport interchange, and which has high-capacity DART and Commuter Rail services, I consider that the location of the proposed development complies with the description of a 'High Capacity Public Transport Node or Interchange' as set out in Table 3.8 of the Compact Settlements Guidelines. Furthermore, the proposed development would be well served by bus services at Dublin Road including the Dublin City-Bray Bus Corridor (24 hour E1 service). The complete listing of bus services to Bray are outlined in the table below.

Table 8.6.1: Public transport serving Bray

Bus Number	Provider	Frequency
E1 Northwood to Ballywaltrim	Dublin Bus	24 hour service
L1 Newcastle to Bray Station	Go Ahead Ireland	Generally half-hourly (Mon-Sun)
L2 Newcastle to Bray Station	Go Ahead Ireland	Generally half-hourly (Mon-Sun)
L12 Ballywaltrim to Bray DART Station	Dublin Bus	Every 20 minutes (Mon-Fri) and half-hourly (on Sundays)
L14 Cherrywood to Southern Cross Road	Dublin Bus	Generally half hourly service (Mon-Sun)

L15 Bray Station to Enniskerry	Go Ahead Ireland	Generally hourly service (Mon-Sun)
45A and 45B Kilmacanogue to Dun Laoghaire via Bray	Go Ahead Ireland	Generally every 20 mins (Mon-Sat) and half-hourly on Sunday
131 Bray to Wicklow	Bus Eireann	Generally hourly (Mon- Sun)
84n D'Olier Street to Greystones via Bray (Nitelink)	Dublin Bus	Friday-Saturday (Midnight; 02.00 and 04.00)

8.6.4. Chapter 4 of the TTA outlines future proposed public transport services in the area including upgrading of train services (DART+ Coastal South project) and the extension of the Green Luas line to Bray in the long term. Having reviewed the TTA, it is not stated that the proposed development is reliant on proposed/potential future public transport improvements in the area.

8.6.5. Having regard to the foregoing and without relying on proposed or planned future transport services, in my opinion, it is clear that there are high-capacity, high-frequency and reliable public transport services available proximate to the site which would encourage and facilitate modal shift from the private car to these services.

Road Traffic

8.6.6. The TTA outlines that baseline traffic surveys were carried out in May 2023. A total of 6 no. Junction Turning Counts (JTCs) and 4 no. Automatic Traffic Counts (ATCs) were surveyed, and traffic growth was considered for the assessment years of 2029 (opening year), 2034 and 2044, taking into account modal shift targets, national policy and trends which are expected to place less reliance on private car transport. Nearby committed developments relevant to the area, namely Phases 1a and 1b of the Sea Gardens Masterplan and the proposed Sea Gardens Phase 3 development (not yet in the planning system) are included in the traffic modelling.

8.6.7. A vehicle trip rate evaluation exercise has been undertaken using TRICS (Trip Rate Information Computer System) and modal share was predicted based on CSO 2022

data and taking into account working from home. Based on these figures and the estimates associated with residential and non-residential trips, the TTA predicts that the development would generate a total of 107 arrivals and 169 departures during the AM peak, and 165 arrivals and 153 departures during the PM peak.

- 8.6.8. In assessing the traffic impact, it is evident from the Traffic Screening Table (Table 11-1 in the TTA) that on account of the closure to vehicular traffic at the junction of Ravenswell Road with Dublin Road, there will be a redistribution of traffic. The TII Traffic and Transport Assessment Guidelines (May 2014) applies a threshold of whether traffic to and from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists, or where the location is sensitive. The junctions where the increase in traffic exceeds 5% arising from the redistribution of traffic are the Southern Access Road junction and the Northern Access Road junction, where significant increased demand is placed on these junctions and as such they would be operating over capacity.
- 8.6.9. Further detailed modelling, consisting of modelled scenarios, was carried out in relation to the above-mentioned junctions. Table 11-2 sets out the scenarios modelled for both AM and PM Peak and they are modelled for the Opening Year (2029), 2034 and 2044. In all scenarios the Northern Access Road junction was modelled as per the existing condition, while changes were made to the Southern Access Road junction only. In these scenarios, on account of the closure of the Ravenswell Road at the Lower Dargle Road junction, vehicles turning right from Dublin Road towards Ravenswell Road, as well as vehicles exiting Ravenswell Road toward Upper Dargle Road, were redistributed to the Southern Access Road junction.
- 8.6.10. In terms of the Southern Access Road junction, the 'Do Something 2' scenario, in which the right-turning movement from the Dublin Road southern arm is prohibited at the Southern Access Road junction, was identified as the most effective option on the basis that it accommodates the increased demand from the redistribution of trips due to the closure of the Ravenswell Road junction. While the junction's performance deteriorated significantly in the 'Do Minimum,' 'Do Something 1,' and 'Do Something 2' scenarios when compared to the 'Do Nothing' scenario, the 'Do Something 2' scenario demonstrated the most effective operation under increased demand

conditions, performing best in the AM Peak with the level of service to diminish in the PM Peak.

8.6.11. This assessment has been subject to sensitivity testing at the Southern Access Road junction and as part of this analysis it was assessed on the basis of the layout provided for the permitted Bus Connects scheme. The TTA states that the 'Do Something 2' scenario operated most efficiently under the anticipated increase in demand and reduction of capacity at the Southern Access Road compared to the 'Do Minimum' and 'Do Something 1' scenarios. The 'Do Something 2' scenario also emerged as the preferred option for both the existing and Bus Connects layout.

8.6.12. I note that the traffic modelling assessment was also carried out for the cumulative Masterplan development. While the modelling demonstrates that the road network is constrained, arising mainly from the closure to vehicles of the Ravenswell Road junction which impacts on capacity and requires redistribution of traffic as described above, the proposal as outlined in the 'Do Something 2' scenario involving prohibition of right turn movements from the Dublin Road onto Southern Access Road improves junction efficiency, with vehicles being permitted to make this turn at the Northern Access Road junction.

8.6.13. I have noted third-party concerns that the proposed development would lead to traffic congestion in the area. However, I consider the TTA has adequately demonstrated that the proposal outlined in the 'Do Something 2' scenario as detailed above, which was the subject of detailed modelling, would improve junction efficiency. In my opinion the proposal must be viewed in the light of the existing high capacity public transport services available in the immediate area which will serve the future residents of the proposed development and result in a decreased need for usage of private car transport. The changing trend of opportunities to work from home will also likely result in a reduction of usage of the private car.

8.6.14. I note the NTA has prepared an Area Based Transport Assessment for Bray and Environs (November 2021) as part of the 2022-2042 GDA Transport Strategy which focuses on overall transport needs for the area which emphasises the need for modal shift to sustainable transport options including public transport and active travel.

Having regard to the proposed quantum of bicycle parking spaces and quality of active travel infrastructure proposed along with reduced parking provision as detailed below, I consider the proposed development to be suitably designed to minimise traffic generation and facilitate active travel modes of transport (see 'Active Travel' section below). The area will also benefit from future sustainable transport projects which will reduce traffic growth in the area. In this context, should permission be granted I recommend inclusion of a condition requiring the applicant to prepare a revised Mobility Management Plan to be agreed with the planning authority prior to commencement of development which should, inter alia, provide mode share targets, monitoring and remedial actions if targets are not achieved.

8.6.15. I would recommend inclusion of Condition 16 as inserted by the planning authority, requiring monitoring of the proposed southern access junction when it becomes operational and where adjustments are necessary, these shall be supervised by the Roads Authority, should the Commission decide to grant permission.

8.6.16. In terms of the requirements set out under BETS 2019, the TTA notes that Phase 2 provides transport infrastructure in accordance with this study and that the proposal will build on existing facilities and include all necessary street networks needed. In this regard, it confirms that existing pedestrian and cycle links from the lands to the town centre, seafront and other parts of Bray will be enhanced by linkages to be developed as part of the Sea Gardens Masterplan development. In relation to the proposed sustainable transport bridge, the TTA notes the masterplan has regard for that infrastructure, the provision of the Luas extension and its interface with the proposed development. The TTA also states that the design can accommodate Fran O'Toole bridge upgrade proposals. I note the TTA does not indicate that there is a need to await delivery of the aforementioned infrastructure before works commence on the proposed development.

8.6.17. Having regard to the foregoing, I consider that the proposal would not significantly or unacceptably contribute to traffic congestion in the area.

Car parking

8.6.18. I note the third party concern that the development provides an excessive quantum of

car parking. CPO 12.56 of the WCDP 2022-2028 refers to the car parking standards outlined in Table 2.3 of Appendix 1 and notes that in locations where public transport and parking enforcement are available these parking standards shall be taken as maximum standards, and that such a quantum of car parking will be permitted only where it can be justified. The parking standards should be taken as minimum if these criteria are not met. The requirement for parking enforcement availability is unclear, however my interpretation of this is that there is a system of paid public parking and enforcement. I note that the administrative boundary with Dun Laoghaire Rathdown County Council is a short distance to the north of the site. There are, however, systems of paid public parking and enforcement in the area, closer towards Bray town centre. On this basis and having regard to the public transport services in the area, including high capacity services, I consider the parking standards set out in Table 2.3 of Appendix 1 to be 'maximum.'

8.6.19. I have undertaken an assessment below of proposed parking quantum's relative to Table 2.3 of Appendix 1 of the WCDP.

Table 8.6.2: Phase 2 Car Parking

Block E			
Type	Number	WCDP Standard	Proposed
1-bed Apt	9	1.2 per unit = 13.5	110 + 4 visitor spaces (Residential)
2-bed Apt	83	1.2 per unit = 99.6	
3-bed Apt	13	2 per unit = 26	
4-bed Apt	4	2 per unit = 8	
Public house	804sqm	5 per 100sqm = 40.2	12 (Comm/Retail)
Retail unit (2)	908sqm	4 per 100sqm = 36	
Total	223.3	126	
Block H			
Type	Number	WCDP Standard	Proposed
1-bed Apt	18	1.2 per unit = 21.6	21+1 visitor space (Residential)
2-bed Apt	12	1.2 per unit = 14	
3-bed Apt	2	2 per unit = 4	
Medical Centre	706sqm	2 per consultant = 6	22 (Comm./Retail)
Childcare Facility	150 children	0.5 per staff member + 1 per 10 children = 24	
Retail unit	94sqm	4 per 100sqm = 3.5	
Total		73.1	44
Block G			
Type	Number	WCDP Standard	Proposed
Retail units (3)	2550sqm	4 per 100sqm = 102	16

Total	102	16	
Block I			
Type	Number	WCDP Standard	Proposed
Hotel	10,016sqm 150 bedrooms	1 per bedroom = 150	32 (in total)
Retail (comparison)	408sqm	4 per 100sqm = 16	
Restaurant and Wedding Venue	1,520sqm	5 per 100sqm = 76	
Total		242	32
Other Residential Units			
Type	Number	WCDP Standard	Proposed
3-Bed House	62	2 per unit = 124	188 (houses) + 9 visitor spaces
4-Bed House	32	2 per unit = 64	
2-Bed Duplex	53	1.2 per unit = 63.6	106 (duplexes) + 11 visitor spaces
3-bed Duplex	53	2 per unit = 106	
Total		357.6	314
Overall Final Position			
WCDP Standard			998
Actual Provision			532

8.6.20. Objective CPO 12.56 of the WCDP notes that the maximum standard of car parking will only be permitted where it can be justified. As illustrated by Table 8.6.2, car parking provision for the proposed development is significantly below the maximum standard as set out by the WCDP. In terms of the residential car parking provision, excluding visitor spaces, the parking rate per unit is approximately 1.25 spaces. Given the highly accessible location of the subject site, which is proximate to high capacity public transport services, the proposed residential car parking quantum is, in my opinion, acceptable.

8.6.21. The WCDP maximum parking standard for the proposed commercial elements would equate to 454 spaces. The planning authority was satisfied that the quantum of commercial parking proposed (82 spaces) would be generally acceptable on the basis of the location of the development, the population it is to serve, the identified connectivity in terms of pedestrian / cycle movements and access to existing public transport. I would concur with the planning authority's view in this regard.

8.6.22. I note the planning authority raised a concern regarding the viability of the proposed 150 bedroom hotel, given its reduced parking provision of 32 parking spaces. The applicant's response to this FI item (Item No. 8) considers that the proposed hotel parking provision is appropriate having regard to the hotel's strategic location with excellent public transport accessibility. It outlines examples of existing hotels within Bray with limited or no dedicated parking availability which are supported by the existing high capacity public transport services. Conversely, examples of hotels in smaller towns or rural areas of Co. Wicklow are outlined, which have higher parking ratios to accommodate greater car dependency among guests. The analysis provided demonstrates that the proposed parking ratio of c 0.21 spaces per bedroom is generally consistent with known operational requirements of a number of hotels in Bray which have been examined, and which benefit from the highly accessible location proximate to high capacity transport services. The applicant's response also notes that the parking provision for other proposed retail, commercial and community uses, primarily used during day time hours, are likely to be available during evenings and nights, coinciding with the peak parking demand periods for the hotel, thereby creating an additional and informal level of parking flexibility across the mixed use development. Having regard to the foregoing, I accept the applicant's justification for the reduced car parking provision serving the hotel. In this context I particularly note the central location of the subject lands, its close proximity to high capacity public transport services along with the high quality active travel connectivity across the site and to existing infrastructure which facilitates access to these services.

8.6.23. I note that CPO 12.56 allows for reduced parking in 'other situations that may be considered on a case-by-case basis.' I consider this to be an unclear and vague provision within the objective. Notwithstanding, I would note the following in respect of the subject lands and the proposed development:

- As outlined in this report, the site is proximate to high capacity public transport services and I am satisfied with the level of service and interchange available.
- I am satisfied that the site is well served by proposed pedestrian and cycle connections, with linkages into adjoining areas.
- Reduced parking provision would safeguard investment in sustainable transport and encourage a modal shift.

- The proposal includes two car-share spaces and there are several existing car-share service locations within the Bray town centre. At least two commercial e-bike rental schemes operate in Bray.
- The site is within close proximity of the town centre with a wide range of services, which reduces the need for car travel/parking. This Phase 2 development proposes delivery of a greater amount of retail and commercial services.
- The internal road network serving the proposed development is designed in accordance with the Design Manual for Urban Roads and Streets (DMURS).
- The submitted TTA concludes that traffic impacts from the proposed development are expected to be modest and manageable and this finding is accepted by the planning authority.
- The application includes a Mobility Management Plan which includes appropriate measures to reduce dependency on the private car.

8.6.24. Having regard to the foregoing, my view is that the proposed parking quantum is acceptable having regard to the provision for deviations contained within CPO 12.56 and in these circumstances I am satisfied that no material contravention would arise.

8.6.25. SLO 3 of the Bray Municipal LAP generally requires car parking to be located within or under buildings with no more than 20% of total parking provision required for the entire MU area to be located on open surface locations. As outlined in section 8.2 of this Inspector's Report, I note that apartment parking is within undercroft areas of Blocks E and H with Block I also having undercroft parking. In-curtilage parking is provided for houses and duplex units, which I consider appropriate and acceptable. Given that this specific SLO 3 requirement relates to all of the MU zoned lands relating to the former Bray Golf Club within the administrative area of Wicklow County Council, I consider the requirement can only be fully assessed when final proposals for the entirety of the MU zoned area is available.

8.6.26. SPPR 3 of the Compact Settlements Guidelines identify three car parking zones i.e. (i) city centres and urban neighbourhoods of the five cities, (ii) accessible locations, and (iii) intermediate and peripheral locations. I have previously noted that the subject site is within the 'Metropolitan Town – Urban Neighbourhood' category area in accordance with Table 3.3 of the Guidelines and that it is located within a 'High

Capacity Public Transport Node or Interchange' having regard to Table 3.8 of the Guidelines. Given that the location of the site does not correspond with any of the locations provided for in SPPR 3, I conclude that SPPR 3 does not apply. Notwithstanding, in my view the subject location generally aligns with SPPR 3(i), within which a maximum of 1 space per dwelling is applicable. While I am not applying SPPR 3, I consider that the proposal to provide 450 car parking spaces for 341 residential units is acceptable at this location.

Active Travel and Cycle Parking

8.6.27. The TTA has considered existing pedestrian and cycle facilities in the area. The existing Northern Access Road has wide footpaths and segregated cycle lanes on both sides of the carriageway, providing safe active travel linkages to Phase 1 development and to the local schools. Adjacent to the site the Dublin Road R761 also benefits from footpaths and cycle lanes on both sides of the carriageway providing connectivity to existing and potential residents / visitors to Sea Gardens travelling to Bray town centre. As detailed elsewhere in this report, a Part VIII application is likely to be made in relation to improvement of active travel infrastructure at Fran O'Toole bridge, proximate to the subject site.

8.6.28. CPO 12.13 seeks to facilitate the development of pedestrian and cycle linkages through and between existing developments to improve permeability and provide more direct routes to services and amenities. The proposed Southern Access Road will include cycle and pedestrian infrastructure on both sides, facilitating active travel across the lands with the ability to travel onwards to the south towards Bray town centre or to the north through Phase 1 lands and beyond into Corke Abbey Park. Primary pedestrian and cycle links are also available from the western gateway, and through the proposed central park, travelling in a north-eastern direction to proposed Block E and beyond towards Bray town centre. I am satisfied with the active travel proposals through the site, subject to agreement of detailed design by condition, and that they accord with CPO 12.13.

8.6.29. Section 6.7 of the TTA relates to cycle parking. Table 2.4 of Appendix 1 of the WCDP outlines bicycle parking standards. A total of 1,003 cycle spaces, equating to 72 above the WCDP requirement, are proposed for the residential element of the proposed

development. I would note also that the proposed quantum of bicycle parking spaces is above that required by SPPR 4 of the Compact Settlements Guidelines.

8.6.30. Bicycle storage at the houses and ground floor duplexes will be within the rear gardens/private open space. Dedicated bicycle storage for upper level duplexes will be located to the front of those units. Visitor parking for houses and duplexes will be located on street within the proposed development. Blocks E and H provide internal storage rooms for all residents' and visitors' bicycle storage. I consider the locations of residential cycle parking proximate or at the proposed dwellings to be appropriate and acceptable.

8.6.31. A total of 62 no. non-residential bicycle parking spaces, equating to 24 above the WCDP requirement, are proposed throughout the development. 10 no. spaces each are proposed at undercroft levels in Blocks E, G, and H, while 32 no. spaces are proposed proximate to the hotel (Block I). The proposed cycle parking locations proximate to the commercial/retail units are acceptable.

Bray and Environs Transport Study (BETS)

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

8.6.33. Section 2.3.2 of BETS identifies six interventions to serve the full build-out of Bray Golf Club lands and I have assessed the proposal against these six interventions as follows:

- *Golf Club development roads*: These internal roads are proposed to be delivered as part of each development phase in accordance with the Sea Gardens Masterplan. The roads are designed in accordance with DMURS and the Cycle Design Manual.
- *Pedestrian and cycle links from the Golf Club to Bray town centre*: Above paragraphs detail proposed active travel delivery within Phase 2 and wider connections. Active travel infrastructure and connectivity to existing facilities/infrastructure in Bray is a key feature of the Sea Gardens Masterplan. At

FI stage the applicant provided a drawing which demonstrates active travel connectivity to Bray town centre and the railway station (Drawing No. BRA-ATK-02-ZZ-DR-C-66237 refers) and integration with existing infrastructure enabling sustainable and active travel.

- *Dublin Road bus priority (part of Bray Core Bus Corridor)*: The Bray to City Centre Core Bus Corridor Scheme (Bus Connects) is planning approved and includes provision of necessary bus, cycle, and walking infrastructure enhancements to facilitate modal shift from car dependency. While physical works have not yet commenced, the 24 hour E1 Spine is operational, along with new local routes L1, L2, L14 and L15, since January 2025.
- *Public transport, pedestrian and cycle bridge from the Golf Club lands to Bray DART station for future use by Luas*: This piece of strategic infrastructure consists of a bridge connection over the River Dargle and an associated link road to connect to Bray Railway Station. The proposed bridge is designed to serve Bray and the wider region. The Sea Gardens Masterplan has made provision for the sustainable transport bridge over the River Dargle (Drawing No. BRA-ATK-02-ZZ-DR-C-66236 provided at FI stage refers).
- *Development of interchange at Bray DART Station*: This project has been delivered and officially opened in September 2025. It provides a high quality transport interchange facilitating connections between key transportation modes including walking, cycling, taxis, buses and railway services and creates a safer public realm environment which encourages more people to use sustainable transport.
- *Commitment to the phased introduction of bus and enhanced rail services in line with increased demand*: This is on-going in line with consumer demand. Bus Connects along with newly established local bus routes (L routes) constitute part of the phased /enhanced services. Stage 2 of DART+ Coastal South will seek to deliver infrastructure enhancements enabling increases in train frequency from 6 trains per hour to 12 trains per hour between Dublin Connolly and Bray Stations.

8.6.34. I note that BETS is a transport study and not a statutory document. The proposed development comprises Phase 2 (of three phases of development) on the overall former Bray Golf Club lands. Having regard to the foregoing, it is evident that the majority of interventions as outlined in the BETS for the former Golf Club lands have been either delivered or are in progress. As such and having regard to the

transportation information provided in the application including the TTA, and the further information submitted, I consider the proposed development to be acceptable from a transport perspective and that it would accord with Objective PT2 of the Bray Municipal LAP and CPO 12.64 of the WCDP which both seek to support and facilitate the implementation of accessibility, active travel and public transport measures identified in the BETS.

8.6.35. In conclusion regarding traffic and transport, I am satisfied that the proposed development would be well serviced by public transport, including high capacity public transport services. I consider that the proposal would not significantly or unacceptably contribute to traffic congestion in the area. I am satisfied that an adequate quantum of car parking is provided, while cycle parking spaces above those required by the WCDP are proposed. I do not consider that the traffic movements would interfere with the safety of traffic and other vulnerable users. I note the majority of the transport interventions outlined in the BETS have been delivered or are in progress. As such, I consider that the traffic and transport proposals are appropriate and consistent with applicable local policy and national guidance.

8.7. Planning Authority Conditions 5(a)(i) and (ii) (Transport)

8.7.1. The first party has appealed Conditions 5(a)(ii) and (ii) of the planning authority's decision, with the appeal grounds outlined in section 7.4 of this Inspector's Report. Condition 5(i) requires that no development commences until construction of the pedestrian and cycle infrastructure at Fran O'Toole bridge is commenced. Condition 5(ii) requires that the proposed development is not occupied until the pedestrian and cycle infrastructure at Fran O'Toole bridge is completed, unless otherwise agreed by the planning authority. The reason for imposition of these conditions as stated in the Manager's Order is 'To ensure the timely provision of services, for the benefit of the occupants and commercial operations of the development.'

8.7.2. The second planner's report notes the plan to provide two new cycle and pedestrian bridges either side of the existing Fran O'Toole bridge and considers that the active travel links necessary for the former Golf Club lands will be significantly enhanced by the provision of these new bridges. In this context a recommendation is made that the

delivery of this infrastructure would be linked to the phasing of the proposed development in any grant of planning permission.

8.7.3. I note that the Fran O'Toole bridge presently has the benefit of footpaths on both sides and there are cycle lanes (also on both sides) demarcated by broken lines on the road crossing the bridge. While I concur with the planning authority's view that the proposed active travel infrastructure at the bridge would undoubtedly enhance connectivity between the subject site and other areas of Bray, my opinion is that the proposed development is not contingent on the delivery of this infrastructure. I consider therefore that the proposed development would not be premature in advance of delivery of the bridge active travel infrastructure.

8.7.4. From the January 2026 minutes of the Wicklow County Council meeting, it is anticipated that the proposed improvement works would be the subject of a Part VIII application. The second planner's report indicates a projected completion date of Q4 2027, subject to the necessary funding being in place. My understanding is that funding has been secured for the scheme.

8.7.5. Having regard to the foregoing and the anticipated development duration of the proposed development, detailed in the EIAR to last 4 years, it is likely that the Fran O'Toole bridge upgrade would be in place by the time Phase 2 development would be ready for occupation. If the Commission decide to grant permission and include Conditions 5(a)(i) and (ii) in its Order, I would be concerned that this Phase 2 development would not be built out and completed within the life of the permission on account of the delay in commencement until upgrade works on the Fran O'Toole bridge commence. I reiterate at this point that I do not consider the proposed development to be contingent on those improvement works, noting existing active travel infrastructure in the area and those proposed as part of the development which will link into adjoining lands and provide connectivity to Bray Railway Station and Bray town centre to the south.

8.7.6. Having regard to the foregoing, I recommend to the Commission that Conditions 5(i)(a) and (b) are omitted from the Commission's order, should permission be granted for the proposed development.

8.8. Financial Contribution: Condition No. 6

- 8.8.1. The first party has appealed Condition no. 6 which requires that a financial contribution of €4,354,683 be paid by the developer to the local authority in respect of public infrastructure and facilities benefitting development in the area. The contribution is sought in accordance with Wicklow County Council's Development Contribution Scheme (DCS) for the area which was adopted on 5th October 2015 and updated as of 22nd July 2025.
- 8.8.2. Part of the proposed development will provide public infrastructure through delivery of the Southern Access Road with dedicated cycle and pedestrian infrastructure proposed on both sides of the carriageway. This element of the proposal is set out in the public notices and also denoted on plan through the red line boundary of the site. This infrastructure will serve the proposed development and facilitate connectivity from the Dublin Road to the eastern part of the site / coastal area and onwards to the south towards Bray town centre.
- 8.8.3. As detailed in section 7.2 of this Inspector's Report, the first party considers that requiring the applicant to pay development contributions and fund the development of the road is effectively double charging and states that costs for the provision of the road should be offset against the development contribution amount. I note the applicant has not provided details of the costs associated with the construction of the proposed Southern Access Road.
- 8.8.4. The applicant requests that the financial contribution condition is amended to omit reference to a specific monetary value, and that the developer and planning authority agree a contribution amount on the basis of the Section 48 DCS, with an allowance being made to offset costs borne by the developer in the delivery of the road.
- 8.8.5. Table 3.1 of the DCS outlines the Classes of public infrastructure and facilities in respect of which contributions will be sought. Class 1 relates to '*Roads and Transportation.*' Tables 4.2 and 4.3 relate to '*Residential – Non Rural*' development and '*Industrial/Commercial*' development respectively, with both these tables specifying a specific Class 1 contribution per square metre in respect of the

aforementioned development types.

8.8.6. Section 6 of the DCS refers to a list of projects for the various classes of public infrastructure and facilities which are set out in Appendix 1. Among the roads and transport projects included in Appendix 1, reference is made to '*Golf Club Lands Transport Infrastructure inc Bridge, Bray.*'

8.8.7. I note that Section 6.3 of the DCS states that the cost of providing certain projects identified in Appendix 1 will require a proportion of costs to be met by a developer. Section 6.4 of the DCS states the following:

Where a project listed in Appendix 1 is constructed / provided by a developer as part of a planning permission, a portion of the cost of constructing/providing the project may be offset against the relevant contributions due under the subject permission, depending, inter alia, on Wicklow County Council's capital investment priorities. In computing any offset, the Planning Authority will have regard to the actual costs incurred by the developer in constructing/providing the project. Furthermore, only the marginal costs (i.e. the costs of those additional works which were required over and above that required for the developer's own development, to which the permission related) will be used to compute any offset.

8.8.8. The second Planning Officer's report provides a breakdown of the financial contribution (which totals €4,354,683) and the basis on which it is calculated. Having regard to the calculations provided in the Planning Officer's report I have calculated the total Class 1 contributions for the proposed development as approximately €2,130,142 for the residential element and approximately €711,600 for the retail/commercial elements (total Class 1 contribution is approximately €2,841,742). I advise the Commission that this calculation does not include Class 1 contributions in respect of the 48 no. units omitted from the proposed development on foot of the removal of 6 no. floors from Block E, pursuant to Condition No. 2 of the planning authority's decision.

8.8.9. Having considered the financial contribution calculations and other associated information included in the Planning Officer's report, I note there is no reference made to the fact that transport infrastructure for the Golf Club lands is included within the

listing of '*Class 1 Public Infrastructure and Facilities – Roads and Transport*' as outlined in Appendix 1 of the DCS.

8.8.10. Based on the Class 1 total contribution amount of approximately €2,841,742 sought as part of the financial contribution figure of €4,354,683 as set out in Condition 6, it is my view that there is an element of double-charging and it appears that no consideration has been given to offsetting a portion of the cost of constructing/providing the Southern Access Road against the total financial contribution figure sought.

8.8.11. Having regard to the foregoing, the lack of information of costs for the proposed access road, and the non-definitive wording of section 6.4 of the DCS which states that a portion of the cost of constructing/providing the project '*may*' be offset against the relevant contributions due under the subject permission, I recommend inclusion of the standard financial contribution condition (should the Commission be inclined to grant permission), which does not refer to a specific contribution amount payable, allowing the developer and planning authority the opportunity to agree a financial contribution in accordance with the terms of the DCS, or in default of such agreement, the matter may be referred to ACP to determine the proper application of the Scheme.

8.9. **Other issues**

8.9.1. Tree removal

8.9.2. An observer considers that the destruction of mature trees contravenes WCDP objectives CPO 17.18, 17.20 and 17.22, noting that the trees have a high local value from a landscape and visual amenity perspective.

8.9.3. The planning application is supported by a Tree Survey and Planning Report which provides an arboricultural assessment of the trees on site and includes tree protection measures, a tree survey, a tree removal schedule and a tree work schedule. The tree survey was undertaken in February 2024 and 231 individual trees were inspected of which none were graded category A (high value), 58 were graded category B (moderate value), 134 were graded category C (low value), and 39 were graded category U (poor value). 6 no. tree groups were also recorded. The survey notes that

the tree cover across most of the site is remnant landscape planting associated with the former golf course. It is stated that a lack of management, disease and widespread storm damage has diminished the quality and value of the tree stock over the past number of years. The report notes that the proposed development will result in the removal of much of the existing tree cover on the site and it is acknowledged that collectively they contribute some landscape amenity, shelter and conservation value to the locality. Some existing trees along the southern and south-eastern parts of the site are to be retained. 188 trees are proposed for removal, with 75% considered to comprise category C or U trees of low arboricultural value, and these are detailed in Appendix C of the report.

- 8.9.4. The Landscape Masterplan includes a number of amenity areas, not least the Central Park which includes some retained existing mature trees and proposed tree and shrub planting, open lawns, and wildflower meadows. Landscaping design measures include provision of a net gain in number of trees within the overall Phase 2 lands (535 no. standard sized trees, 447 no. semi-standard sized trees, 674m of hedging proposed within the planting schedule).
- 8.9.5. I note the application provides for retention of some trees particularly at the southern and south-eastern parts of the site, and it is apparent that significant levels of planting including of native varieties is also proposed. Having regard to the foregoing and having considered the wording of Objectives CPO 17.18, 17.20 and 17.22 and acknowledging the loss of a significant number of existing trees, I conclude that no contravention of these Objectives would arise. I consider that the proposed development which provides significant levels of tree planting accords with the WCDP and the proper planning and sustainable development of the area.
- 8.9.6. Third party comments on EIAR
- 8.9.7. I acknowledge the appellants dissatisfaction with how the planning authority assessed the EIAR. An Coimisiún Pleanála is the competent authority to conduct an Environmental Impact Assessment at appeal stage in order to ensure that potential significant environmental effects of certain types of development are considered in

advance of a decision on planning permission. In this context Section 9 of this report relates to EIA.

8.9.8. Third party submissions consider that all Sea Gardens phases, the flood defence works and surface water interventions form one integrated development outcome and note that interdependent elements of a development may not be artificially separated. I note that three distinct phases of development are proposed under the Sea Gardens Masterplan with the aim of delivering approximately 1,200 residential units and commercial/retail development and green spaces/parks across the former Bray Golf Club lands, located within the administrative areas of both Wicklow County Council and Dun Laoghaire Rathdown County Council. I note that Phase 1 developments (ABP-311181-21 and ABP-314686-22) were accompanied by EIARs, which is also the case for this Phase 2 development. All of the EIARs included an assessment of cumulative impacts. I note that the River Dargle Flood Defence Scheme completed in 2017 was also subject to EIA. My view is that the proposed development is a distinct phase of development on the overall former Bray Golf Club lands, as indicated in the Masterplan and that it is not inter-dependent on other phases of development or the sustainable transport bridge. I would also note that the Bray Municipal District LAP and the WCDP have been subject to SEA, as has the Dun Laoghaire Rathdown Development Plan, noting that part of the Phase 1 Sea Gardens lands fall within its administrative boundary. Therefore, the environmental impacts of application lands within the Sea Gardens Masterplan have been assessed at a strategic level and on a project basis.

8.9.9. Public participation

8.9.10. I note the concerns of third parties relating to insufficient public participation at local authority stage. The planning process allows for the public to participate at all stages including plan making (including zoning of lands), planning application and subsequent appeal stages.

8.9.11. Prematurity of development

- 8.9.12. I note third party submissions consider the proposed development premature on account of factors including the pending publication of the Bray Municipal District Local Planning Framework (LPF) and updated OPW flood risk mapping for Bray which considers the River Dargle flood defence scheme.
- 8.9.13. While the planning authority's website states that work has commenced on the preparation of the new LPF and that pre-draft public consultation took place at the end of 2024, I note that the WCDP 2022-2028 (Section 3.4) states that until LAPs for a number of settlements, including Bray, are replaced, the existing LAPs for these settlements form part of the County Development Plan. This has the effect of the provisions of the Bray Municipal District LAP 2018-2024 remaining in place until such time as it is reviewed.
- 8.9.14. In terms of the above reference made to flooding, I note that the applicant has provided a site specific Flood Risk Assessment (FRA) for the proposed development which has been prepared in accordance with *The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)*, developed by the OPW and the DEHLG. The proposed development has passed the various requirements of the Justification Test as outlined in the FRA submitted in support of the planning application for this Phase 2 development. I note the Bray Municipal District – Local Area Plan 2018 also includes a detailed Strategic Flood Risk Assessment (SFRA) and the former Bray golf club lands passed the Justification Test for future development in that LAP.
- 8.9.15. Having regard to the foregoing, and given the zoning of the site as established in the Bray LAP 2018, and having regard also to the Sea Gardens masterplan prepared for the former Bray golf club lands, which details key design principles illustrating how the lands could be built out in accordance with local and national objectives, I consider the proposed development can be fully assessed in accordance with the documentation and drawings provided. As such, I do not concur with the view that development on the lands would be premature on the basis of the points raised in the third party submissions.
- 8.9.16. Other infrastructure

- 8.9.17. Third party submissions contend that the proposed Phase 2 development is contingent upon ‘unconsented’ infrastructure, specifically the proposed Sustainable Transport Bridge. There is concern that that linked/interdependent development in the form of the bridge should not occur, with reference made to potential ecological impacts. Third party submissions indicate that no EIAR or NIS for the proposed bridge has been undertaken to date. Reference is also made to Condition 5 of the planning authority’s grant of permission which requires that no development shall begin until the provision of active travel infrastructure at the Fran O’Toole Bridge is commenced.
- 8.9.18. Based on my assessment of this planning application, I am satisfied that the proposed development is not contingent on the delivery of the proposed Bray Sustainable Transport Bridge. This planning application does not include construction of this bridge which is at indicative design stage. It is likely that this infrastructure would be the subject of a future Part VIII application. In this context I note An Bord Pleanála has previously determined that an EIAR and a NIS would be required for the proposed bridge. In the event that permission is granted for the proposed development, this does not limit the consideration of alternatives in an EIA for the bridge, and if an alternative location is found to be necessary, the Council has CPO powers to acquire the relevant lands.
- 8.9.19. Item 2 of the FI request requires the applicant to detail how the proposal would integrate and facilitate the proposed Bray Sustainable Transport Bridge from the Golf Club lands to Bray DART Station. In response the applicant has provided comprehensive documentation and drawings which demonstrate that the proposed development has been designed to accommodate and support the potential future provision of the bridge. It is, in my view, entirely appropriate and ‘good planning’ that this detail has been sought by the planning authority and provided by the applicant, thereby facilitating this proposed infrastructure at a future juncture. The applicant’s FI response notes there are no Phase 2 buildings located within the designated bridge landing area and this is reflected in the drawings provided at FI stage, which show the potential alignment of the Bray Sustainable Transport Bridge to be appropriately integrated with Phase 2 development layout. The response also confirms that future phases will be designed to maintain appropriate clearances from the bridge. To conclude, I do not

consider the absence of a final and definitive layout for the proposed bridge would render a grant of planning permission in this case to be premature.

8.9.20. In terms of the application of Condition 5(i) and (ii) to the proposed development, I have assessed this matter in section 8.7 of this Inspector's Report, above, finding that in my opinion, the proposed development is not contingent on the delivery of the future active travel infrastructure at Fran O'Toole bridge. In this context I also note the existing bridge across the River Dargle at Harbour Road which presently facilitates pedestrians and cyclists to connect to the masterplan lands from Bray Harbour and beyond, via the DART underpass.

8.9.21. Water Infrastructure

8.9.22. Third parties suggest that no confirmation from Uisce Eireann has been received confirming sufficient capacity in terms of waste water and surface water.

8.9.23. The Engineering Report provided with the application details arrangements for foul water drainage and water supply, and these are outlined respectively in sections 3.6 and 3.7 of this Inspector's Report. I would note that Appendix A of the Engineering Report includes Confirmation of Feasibility (COF) from UE that water connection and wastewater connection are feasible without infrastructure upgrade by UE. I have accessed the UE water supply on wastewater Capacity Registers. In terms of water supply the Capacity Register for Bray (accessed on 17th July 2026), published in April 2026, indicates that there is potential capacity available (Level of Service improvement required) to support 2035 population targets. The Wastewater Treatment Capacity Register for Bray (accessed on 17th July 2026), also published in April 2026, confirms that there is spare capacity available in the Shanganagh WWTP to cater for the proposed development. Therefore the proposal is acceptable from a water supply and wastewater perspective.

8.9.24. In relation to surface water drainage, a Stormwater Impact Assessment Report is submitted with the application and it confirms the proposed stormwater drainage has been developed in consultation with Wicklow County Council. Surface water generated from the proposed residential development will be conveyed through a

proposed surface water network including Sustainable Urban Drainage Systems (SuDS), with final discharge at greenfield run-off rates. I note that a range of SuDS features are proposed including permeable paving, swales, tree pits, filter drains, and green roofs which is in accordance with CPO 13.21 of the WCDP. A concrete underground attenuation tank is proposed within the Central Park area which will facilitate storm water underground attenuation for storm events up to 100-year events plus climate change. Given that the tank lies within an existing flood zone, it and access chambers/manholes will be sealed to ensure the attenuation volume is available during storm events if flooding of the area was to occur. As such there is capacity in the stormwater system to deal with storm events without increasing flood risk. No significant concerns regarding this proposal were raised by the planning authority and I consider this arrangement acceptable subject to condition.

8.9.25. Community Impacts

8.9.26. Third parties are concerned that the proposal would involve loss of shoreline access, removal of the River Dargle corridor thereby diminishing accessible nature based amenity.

8.9.27. Having reviewed this planning application relating to Phase 2 of the Sea Gardens Masterplan, I note there are no proposals which would involve loss of shoreline access or removal of the River Dargle corridor. The flood defence works completed in 2017 included a promenade and public amenity space along the northern banks of the River Dargle and there are no proposals in this development to alter these amenities in any way. In terms of benefits for the community, my opinion is that the proposed mixed-use development will impact positively through delivery of new public open spaces and play areas, plazas, provision of new active travel infrastructure which facilitate connectivity within and outside the site, along with delivery of new housing and retail/commercial developments (including a hotel and swimming pool) which will provide a greater ranges of services to the population.

8.9.28. Water Framework Directive

8.9.29. There is concern raised that the proposal would result in the degradation of the River Dargle.

8.9.30. I have carried out a Water Framework Directive (WFD) impact assessment of the proposed development in Appendix 3 below. This finds that the proposed mixed-use development would comply with the requirements of Article 4 of the Water Framework Directive and would not result in the degradation of any water bodies, including the River Dargle.

8.9.31. Connectivity to Dwyer Park

8.9.32. A third party questions the connectivity from the proposed development to Dwyer Park. Drawing No. BRA-ATK-02-ZZ-DR-C-66207 (General Road layout) indicates proposed pedestrian and cycle access to and from the proposed development to Dwyer Park, south of No.14 Dwyer Park. This will enhance active travel permeability in the area.

8.9.33. Southern Access Road

8.9.34. A response from an appellant to the applicant's appeal against imposition of the financial contribution for the proposed Southern Access Road considers that most of the access road already existed when the applicant acquired the site several years ago, and that the access road was referred to as 'Schools Road' because it facilitated access to two new schools, to the north of the site.

8.9.35. I note that Figure 3.5 of the submitted Traffic and Transport Assessment Report outlines the existing local road network. The roads serving the schools, Ravenswell Primary School and Coláiste Ráithín are the Northern Development Road and the Eastern Development Road, by reference to Figure 3.5. The proposed Southern Access Road, which is not yet constructed, will provide for new vehicular and active travel entrances to the proposed development through an upgraded junction at Castle Street and Upper Dargle Road. The extent of the proposed Southern Access Road is indicated in Figure 6-10 of the applicant's planning report, provided with the application.

8.9.36. Construction Environmental Management Plan (CEMP)

8.9.37. Third parties contend that no certified CEMP is approved. An outline CEMP was submitted with the planning application. Should permission be granted I recommend attachment of a condition requiring that a final CEMP to be submitted to the planning authority for written approval. This would generally be a typical condition for a project of this nature. Having reviewed the outline CEMP, I consider that the construction impacts can be managed so as not to give rise to serious environmental and amenity impacts.

8.9.38. Material Contravention

8.9.39. CPO 6.2 of the WCDP provides that ‘The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.’

8.9.40. I note that the Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), Regulation of Commercial Institutional Investment in Housing (2023) are intended to ensure that only own-door housing units and duplex units are not bulk purchased for market rental purposes and that the Commission must have regard to these Guidelines. I note the Guidelines are not intended to be applied to apartments (section 3 refers).

8.9.41. Having regard to the foregoing, should the Commission be minded to grant permission for the proposed development, I recommend that inclusion of a condition which aligns with the aforementioned Section 28 Guidelines is included in the grant of permission. I advise the Commission that this course of action would, in my view, give rise to a material contravention of CPO 6.2 of the WCDP 2022-2028. Notwithstanding, the Commission may proceed to grant permission having regard to Section 37(2)(a) of the Planning and Development Act 2000, as amended. In this context, I note that planning authorities and An Bord Pleanála (now An Coimisiún Pleanála) must have regard to any guidelines issued under Section 28, and on this basis, a condition aligning with the text detailed in The Regulation of Commercial Institutional Investment in Housing Guidelines (2023) should be included, if permission is granted.

8.9.42. I also remind the Commission at this juncture of the Material Contravention issue highlighted in Section 8.4.18 of this Inspector's Report relating to the non-provision of a MUGA within the new neighbourhood park.

8.9.43. Phase 3 development

8.9.44. While I note several third party submissions raise concerns in connection with Phase 3 development, this application relates to Phase 2 only. Proposed Phase 3 development as outlined in the Sea Gardens Masterplan is not presently the subject of a planning application. There is criticism that the EIAR has not considered effects of noise and light pollution from Phase 3 development. In my view, it is appropriate that these matters would be addressed in the context of any future planning application for Phase 3 development.

8.9.45. Strategic Environmental Assessment

8.9.46. Strategic Environmental Assessment (SEA) is a process that considers formally and in a systematic manner the likely significant environmental effects of implementing a plan or programme, before a decision is made to adopt the plan or programme.

8.9.47. Third parties consider that the proposed development requires SEA, that the Bray LAP has now expired and that no replacement SEA was completed.

8.9.48. As detailed in section 6.12 of this Inspector's Report, the Bray Municipal LAP came into effect on 10th June 2018 for a 6 year period. While this period has expired I note that Wicklow County Council's website confirms that this LAP forms part of the current Wicklow County Development Plan. Further, section 3.4 of the WCDP 2022-2028, under 'Zoning' clarifies that until existing LAPs for named settlements (including Bray) are replaced with Local Planning Frameworks, the existing LAPs for the named settlements form part of the County Development Plan.

8.9.49. I note that both the Bray Municipal District LAP 2018 (including SLO 3 relating to the subject lands) and the current Wicklow County Development Plan 2022-2028, which has a target to deliver almost 6,300 residential units in Bray, have been subject to

Strategic Environmental Assessment Directive 2001/42/EC and as such I am satisfied that there is no necessity for the proposed development to be subject to SEA.

8.9.50. To be clear, SEA refers to Plans and Projects such as for an LAP or the GDA Transport Strategy; there is no requirement for SEA for a development of the nature proposed.

8.9.51. Given the nature of the proposed development and for the reasons set out in Sections 9 and 10 below relating to Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) respectively, it is appropriate that the proposal is subject to EIA and AA. In this context I note that an EIAR and an AA Screening and Natura Impact Statement (NIS) have been provided with the application and these are assessed below.

9.0 Environmental Impact Assessment (EIA)

This section sets out the EIA of the proposed project and it should be read in conjunction with the planning assessment, AA and WFD sections. The proposed development comprises Phase 2 of the Sea Gardens Masterplan within the former Bray Golf Course lands. It provides for the demolition of one building and construction of a mixed use development comprising 341 residential units, childcare facility, medical centre, hotel, public house and retail/retail services on a gross area of 11 hectares in Bray, Co. Wicklow. 141 no. apartments are contained in Blocks E and H. Block E also accommodates a public house and two retail units; Block H also accommodates a medical centre, childcare facility and a retail unit. Block G contains retail units. Block I accommodates a 150 bedrooms hotel, a swimming pool and a retail unit. Overall the proposed development comprises c 10,778sqm of commercial spaces and c. 8,155sqm of retail/retail services. The proposed development also provides public, communal and private open spaces, car and bicycle parking, and internal road and path networks. All associated development infrastructure will also be provided. The proposal also provides for a temporary construction compound; site clearance works and all associated site development works.

9.1. Statutory Provisions

9.1.1. Section 1.2 of the EIAR identifies the need for EIA. Although the proposed development is below the threshold of 500 dwelling units as set out in Schedule 5, Part 2, Class 10 (Infrastructure) (b)(i) of the Planning and Development Regulations 2001 (as amended), the applicant considers that an EIAR is required for the following reasons:

(i) Having regard to Schedule 5, Part 2, Class 13 (*Changes, extensions, development and testing*) (a)(i) of the Planning and Development Regulations 2001 (as amended) the proposed development, in combination with Phases 1 and 3 of the development would result in the development of a housing development comprising more than 500 dwellings units, and therefore a development of Class 10(b)(i);

(ii) In accordance with Schedule 5, Part 2, Class 13(a) (ii) the proposed development would result in an increase in the size of an existing development by more than 25%; and

(iii) In accordance with Schedule 5, Part 2, Class 15, based on the nature and scale of the proposed development, the potential for significant environmental impacts cannot be ruled out at the EIA Screening stage.

9.1.2. I note also that Schedule 5, Part 2, Class 10 (Infrastructure) (b)(iv) of the Planning and Development Regulations 2001 (as amended), provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

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.

I consider that the site is within the 'built up area' and that its stated overall area of 11ha clearly exceeds the applicable 10-hectare threshold. In any case an EIAR has been submitted with the application.

9.2. EIA Structure

9.2.1. This section of the report consists of the environmental impact assessment of the proposed development in accordance with Planning and Development Act, 2000, (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by

2014/52/EU). Section 171 of the Planning and Development Act, 2000, (as amended) defines EIA as:

(a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the planning authority or the Board, the reasoned conclusions of the planning authority or the Board and the integration of the reasoned conclusion into the decision on the proposed development, and,

(b) includes an examination, analysis, and evaluation, by the planning authority or the Board, that identifies, describes, and assesses the direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

9.2.2. Article 94 of the Planning and Development Regulations, 2001, (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

This EIA section of the report is, therefore, divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soils, geology, water, air quality and climate,
- noise and vibration,
- landscape and visual,

- traffic,
- material assets and cultural heritage,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

9.2.3. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should it agree with the recommendation made.

9.3. **Issues raised in respect of EIA**

9.3.1. 6 no. appeals and 8 no. observations have been received in connection with this case. Issues relating to EIA as raised in the third party submissions are generally considered in this report under each relevant environmental parameter, below.

9.4. **Compliance with Article 94 and Schedule 6 of the Planning Regulations**

9.4.1. In the table below, I assess the compliance of the submitted EIAR with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001, as amended.

Table 9.4.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001, as amended.

Article 94(a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size, and other relevant features of the proposed development, including the additional information referred to under section 94(b).

A comprehensive description of the proposed development is set out in Chapter 2 (Project Description) of the EIAR. Subsections of the chapter include nature and extent of proposed development, preliminary phasing, construction aspects, traffic management, waste management and operational aspects. The proposal involves a limited amount of demolition works which are described. A Construction Resource Waste Management Plan provides an overview of key waste management considerations for the project. I am satisfied that adequate detail is provided to enable decision making.

A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and sufficiently robust to enable a decision on the project.

A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).

Mitigation is addressed in each of the EIAR technical chapters. Chapter 18 also includes all mitigation and monitoring commitments detailed in a section called 'Schedule of Environmental Commitments.' I am satisfied that proposed mitigation measures comprise standard good practices and site-specific measures that are largely capable of offsetting significant adverse effects identified in the EIAR.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking

into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).

Chapter 3 of the EIAR relates to Alternatives; it describes how the overall design of Phase 2 has evolved taking account of site specific design, engineering and environmental constraints. Third party concerns are that the proposed alternatives are confined to internal massing and do not consider avoiding ecologically sensitive land. Throughout the EIAR, the 'Do Nothing Scenario' scenario is considered and, if implemented, would mean that the former golf club lands, zoned for a mixture of uses in the Bray LAP, would remain unused and undeveloped. I am satisfied that Chapter 3 has adequately assessed reasonable alternatives as required by the EIA Directive 2014/52/EU. The main reasons for opting for the current proposal before the Commission and potential impacts on the environment have been taken into account. I note in this regard that alternative road layouts, designs and positions of buildings and the sustainable transport bridge have been considered along with alternative construction processes.

I am satisfied that the applicant has studied reasonable alternatives in assessing the proposed development and the main reasons for opting for the current proposal before the Commission are outlined. Potential impacts on the environment have been considered through the decisions on alternatives.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2)

A description of the baseline environment and likely evolution in the absence of the development.

The baseline environment is addressed in each technical chapter within the EIAR, and the likely evolution of this environment in the absence of the proposed development is described, with particular reference to 'do-nothing scenarios.' I am

satisfied that the description of the baseline for each topic is sufficient to enable the assessment of likely effects and to enable decision making.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.

The relevant methodology employed in preparing the EIAR, including desk-based assessment, fieldwork, site visits, site investigations, surveys etc. is set out in the individual chapters.

The applicant has not identified any difficulties encountered in the preparation of the EIAR. I am satisfied that the forecasting methods are adequate in respect of likely effects.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

This is addressed in Chapter 15 'Risk of Major Accidents and Disasters'. Potential risk posed by a major accident and / or disaster has been considered and based on the low vulnerability of the proposal to such risk, and the unlikely potential occurrence of such an incident, overall risk is considered to be low. There are no upper or lower tier Seveso sites within 5km of the proposed development. The proposed mixed-use development will not require large-scale quantities of hazardous materials or fuels, and the proposed uses are unlikely to present significant risk of major accidents or disasters. Having regard to the location of the appeal site, and the nature of the proposal I am satisfied that there is no significant risk of flooding, major accidents and / or natural disasters and that this issue has been adequately assessed in the EIAR.

Article 94 (c) A summary of the information in non-technical language
Volume I of the EIAR comprises a Non-Technical Summary. I am satisfied that this document is relatively concise, suitably comprehensive, and would be easily understood by members of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
Each chapter generally provides a list of documents and information used to inform the chapter assessment. I consider the sources relied upon are generally appropriate and sufficient in this regard.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the various experts who contributed to the EIAR are set out in Section 1.3 in Chapter 1 of the EIAR. Where relevant, I am satisfied that the introductory section of the EIAR chapters demonstrates the competence of the individuals who prepared each chapter of the EIAR, including details relating to expertise and qualifications.

9.5. Consultations

- 9.5.1. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000, as amended, and the Planning and Development Regulations, 2001, as amended, in respect of public notices. Submissions that have been received from statutory bodies and third parties are considered in this report, in advance of decision making.
- 9.5.2. Section 2.6 of the EIAR refers to consultations undertaken by the applicant with statutory organisations including Wicklow County Council, Department of Housing, Local Government and Heritage, Transport Infrastructure Ireland, Department of

Transport, Inland Fisheries Ireland, Geological Survey Ireland, Uisce Eireann and St. John of God Hospitaller Services.

- 9.5.3. I am therefore satisfied that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

- 9.5.4. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the applicant, is sufficient to comply with article 94 of the Planning and Development Regulations, 2001 (as amended).

9.6. **Assessment of Likely Significant Effects**

- 9.6.1. The following subsections set out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in section 171A of the Planning & Development Act, 2000 (as amended). It includes an examination, analysis, and evaluation of the application documents, including the EIAR and submissions received and identifies, describes, and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these effects.

- 9.6.2. Each topic section is therefore structured around the following headings:

- Issues raised in the appeals/observations/submissions.
- Examination, analysis and evaluation of the EIAR.
- The Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

9.7. **Population and Human Health**

Issues Raised

- 9.7.1. No specific issues are raised in respect of population and human health in the appeals and observations.

Examination of the EIAR

- 9.7.2. Context: Chapter 4 of the EIAR addresses Population and Human Health with regard to potential impacts on population and socio-economic status. Other environmental factors with the potential to impact on population and human health, such as air and noise emissions, soils and water, visual impacts and traffic are addressed separately in the relevant chapters of the EIAR and the relevant sections of this report. This chapter uses CSO data from Census 2022. The study area in relation to Population and Human Health consists of 59 Small Areas surrounding and in the vicinity of the site. This chapter is supported by Appendix 4.1 – Audit of existing social and community facilities.
- 9.7.3. Baseline: Chapter 4 of the EIAR describes the baseline as regards population and human health. The identified study area had a population of 34,803 in the 2022 Census, an increase of 1,248 persons, or 3.72% on the 2016 Census which was 33,555 persons. The primary school aged population (aged 5-12) represents 10% of the 2022 population and the post-primary school aged population (aged 13-18) represents 7.7% of the 2022 population. The study area has an average household size of 2.73 persons in 2022; in 2016 household size was 2.78 persons; this reflects a trend towards smaller household sizes. In terms of employment, 54.7% of the relevant population were at work in 2022, and 17.7% are retired.
- 9.7.4. The appeal site comprises part of the former Bray Golf Club lands and these lands are predominantly subject to a Mixed Use zoning objective. The project site is located approximately 0.5km from Bray town centre. There is a comprehensive range of local services and amenities, comprising a wide range of services and facilities, including health, education, community, culture, play, faith, recreation and sports facilities, within the area. There are 19 no. existing childcare facilities and preschools, 8 no. primary schools and 6 no. post-primary schools within the study area.
- 9.7.5. Table 4-17 of the EIAR details potential significant effects on human health during the construction stage of the proposed development arising from noise, vibration and dust.
- 9.7.6. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9.7.1 below.

Table 9.7.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development the subject zoned lands proximate to existing and planned high capacity public transport services in the Key Town of Bray would remain undeveloped and under-utilised and would not fulfil its mixed use zoning objective at a time of acute shortages in housing supply. Potential for delivery of key objectives of the Sustainable Residential Development and Compact Settlements Guidelines would remain unrealised. The local economy would not benefit from the direct and indirect positive effects of the construction phase of development including employment creation. The proposed new pedestrian and cycle links and public open spaces in the development and serving the wider development would not be provided. Existing housing need and demand would remain unmet. Positive impacts on the retail and services sector within Bray would be foregone.
Construction	The construction phase of the development will give rise to temporary traffic, noise and vibration, dust generation and visual impact within the site and general vicinity. All impacts are predicted to be not significant and short-term in nature. Given the nature of works during the construction phase there is the potential of the occurrence of unplanned events including traffic/machinery accidents, fire, collapse/equipment failure and spillages/leaks of chemicals, fuels and paint. Such risks are reduced and managed through implementation of mitigation measures (referred to below). The construction phase impacts on human health will be adverse, short term in duration, limited in extent and not significant.
Operation	The proposed development will facilitate mixed uses on the subject lands which in turn will provide much-needed housing and amenities for the growing population of the immediate area. A significant quantity of open space consisting of recreational and amenity spaces are proposed. The provision of a residential community with supporting ancillary and community facilities, commercial and retail facilities and a hotel will have a moderate, positive impact of

	permanent duration on land use and settlement. The proposed development will have a slight positive permanent impact on mental health and wellbeing during the operational stage through the provision of pedestrian and cyclist facilities, open space, medical centre and childcare facility. Following ground testing, a potential ground gas issue, due to elevated levels of carbon dioxide in the vicinity of proposed Block H, in the western portion of the site, is highlighted in Chapter 6 'Land, Soils and Geology. The risk to human health is deemed to be low. Mitigation measure to address this issue consists of the installation of an appropriate ground gas membrane beneath Block H. This matter will be addressed under the relevant chapter below.
Cumulative	The EIAR notes that once the development which provides for 341 residential units has been constructed and occupied, the most significant impact will be an increase in the resident population, with approximately 931 residents estimated. Full occupancy based on the number of bedrooms can generate a population of up to 1,587 residents. Considering the two projections, it is anticipated that a robust calculation of potential population lies between these two figures, at approximately 1,250 residents. The results of the cumulative impact assessment for Population and Health are presented in section 16.2.1 of the EIAR. Potential cumulative impacts of the proposed Sea Gardens Phase 2 development have been considered together with relevant developments in the immediate area which have been approved but are not yet built or operational. Adverse impacts include temporary traffic, noise and vibration, dust generation and visual impact within the site and general vicinity. It is concluded that there will be no significant adverse impacts on population and human health and no likely significant effect when considered cumulatively with relevant developments in the immediate area which have been approved but are not yet built or operational. Positive impacts of the proposed development include

	provision of houses for the population. Retail and commercial developments will generate employment opportunities. Similarly, construction jobs will be created during the construction phase. In terms of future Phase 3 of the Sea Gardens Masterplan the following is stated: <i>Sea Gardens Phase 3 marks the final stage of the Sea Gardens Masterplan, bringing together the remaining elements of both commercial and residential development as outlined in the Local Area Plan. Chapter 4 –Population and Human Health of this Phase 2 EIAR was conducted to include the future proposed Phase 3 development lands. Based on the findings of this Population and Human Health assessment, and available masterplan details for the future Phase 3 development, as well as taking account of mitigation measures within Chapter 4 of this EIAR which will be implemented as part of the Phase 2 development, there will be no significant effect on population and human health and no likely significant effect when considered cumulatively with the proposed future phases of the Sea Gardens Masterplan Development.</i>
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Mitigation

- 9.7.8. Mitigation measures for Population and Health are set out in section 4.5 of Chapter 4 of the EIAR and include compliance with measures contained in the CEMP. It is stated that adherence to construction phase mitigation measures presented in the EIAR will ensure that the proposed development will have an imperceptible and neutral impact in terms of health and safety. In terms of the operational phase no further mitigation measures are considered to be required, having regard to relevant mitigation measures to be implemented during detailed design stage and construction stage, including installation of an appropriate ground gas membrane beneath Block H (See below, Chapter 6 ‘Land, Soils and Geology’). Accordingly, no significant human health impacts are likely to arise during the operational phase of the proposed development.

Residual Impacts

- 9.7.9. No residual adverse impacts to population or human health are anticipated as a result of the proposed development. The overall impact on population and human health is deemed to be positive (ranging from slight to moderate) and permanent. The proposed development will lead to an increase in the population and will provide employment and will benefit the local economy. It will also provide high quality sustainable housing to the local community and provide pedestrian and cycle infrastructure along with high quality amenity / open space in addition to services such as childcare facilities and a medical centre.

Monitoring

Monitoring will be undertaken through the Building Regulations certification process and by requirements of specific planning conditions. Health and Safety requirements will be monitored by the construction stage Project Supervisor.

Analysis, Evaluation, and Assessment: Direct and Indirect Effects

- 9.7.10. I have examined, analysed and evaluated Chapter 4 of the EIAR and all of the associated documentation on file in respect of Population and Human Health. I have inspected the appeal site and the surrounding area. I am satisfied that the applicant's understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on Population and Human Health, as a consequence of the development have been identified. The proposed development, at operational stage will generate direct and indirect employment in the local community. Furthermore, new housing, new retail and commercial services are provided including a swimming pool and hotel. An increase in traffic will also occur and this is addressed in Chapter 12 'Traffic' below. The potential for significant effects on human health from noise, vibration and dust, air quality and traffic during the construction phase are addressed in the relevant chapters of the EIAR. I have assessed these relevant chapters (see below) and am satisfied that effects can be avoided, managed and mitigated by measures that form part of the proposed scheme. Serious risks to human health and safety within the development site are not envisaged as construction activity would be managed in accordance with all applicable legislation and guidelines.

Conclusion

- 9.7.11. Having regard to the examination of environmental information in respect of Population and Human Health I am satisfied that the information submitted in the EIAR adequately

demonstrates an understanding of the key elements of Population and Human Health potentially impacted by the proposed project and provides a suitably comprehensive range of mitigation measures to reduce any potential impacts to non-significant levels. Monitoring measures as outlined above are proposed. Having reviewed the planning history in the area and examined the cumulative impact assessment for Population and Health as presented in Chapter 16 of the EIAR, I consider that there will be cumulative impacts as outlined in Table 9.7.1 above including short-term construction related noise, dust and vibration impacts which would be mitigated by construction management measures including agreement of a final CEMP. As such, they are not likely to result in significant negative effects on population and human health. At operational stage there will be positive socio-economic effects at operational stage through availability of additional accommodation, employment, leisure, childcare and medical facilities, in addition to new retail and commercial developments.

9.8. Biodiversity

Issues Raised

- 9.8.1. At the outset of this chapter I advise that I will have regard in my assessment below to the Technical Note received from the ACP Ecologist (See Appendix 4 below).
- 9.8.2. A number of issues are raised in respect of biodiversity in the appeal and submissions as follows:
- EIAR does not acknowledge estuarine stretch of River Dargle as an important habitat, water bird refuge and flightpath.
 - No assessment was conducted for disturbance, displacement, barrier effects, loss of foraging habitat, sedimentation, vibration and lighting impacts.
 - Proposed building heights at the river margins introduce overshadowing of intertidal habitats and reduced light penetration at in estuarine margins may impact on algal and biofilm communities that support prey relied upon by birds / swans.
 - Concerns that the River Dargle was not included in the bat surveys.
 - Concerns are raised in relation to disturbance impacts on species arising from noise and vibration, particularly during the construction period.

- Mute swan colony within and adjacent to the lands and the corridor provides daily movement between feeding and roosting areas.
- Overshadowing, increased collision risk, artificial lighting and narrowed flight corridors can cause lethal impacts for swans.
- intertidal reef habitats in proximity to the site could be threatened by the proposed development arising from sedimentation during construction, and benthic communities could be affected.
- Otter foraging and breeding areas along the River Dargle would be disrupted by construction activity, lighting and alteration of the river corridor.
- The current proposed development does not consider the effect on light sensitive bats which forage along the Dargle river of potential light pollution from development overlooking this stretch of the river.
- Artificial night light negatively impacts species and increase collision risk for swans during fog, rain and low visibility.
- Taller structures, reflective glazing and hard surfaces increase avian collision risk. Block E (whether 9 or 15 storeys high) will present a threat of injury/collision to nearby swan colony.
- None of the species (swans, otter, wintering waterbirds) or the river is assessed for disturbance from piling, noise, vibration, loss or degradation of feeding areas due to sedimentation or altered hydrology, barrier effects on movement corridors and cumulative loss of ecological function with other projects.
- Piling and vibratory disturbance can interrupt prey chasing behaviour and impact on harbour seals.

Examination of the EIAR

- 9.8.3. Context: Chapter 5 of the EIAR addresses biodiversity. The chapter outlines the baseline ecological environment and potential ecological constraints found within the study area of the proposed development. Information on habitats and sites that are legally protected, are of conservation value or are of ecological importance are detailed. Based on the nature of the proposed development the Zone of Influence is limited to the site and immediate environs as well as areas connected hydraulic

pathways (ground or surface water), and landscape features such as hedgerows, treelines and watercourses. Determining the potential for impacts and the Zone of Influence is based on the source-pathway-receptor model and involves assessment of likely significant effects on ecological receptors in relation to four pathways i.e. surface water, groundwater, land and air. The assessment methodology also included desk studies and ecological field surveys.

Site visits and surveys were undertaken between 2020 and 2024. A Phase 1 habitat survey was undertaken in July and August 2020. Bat surveys which assessed the site for evidence of roosting, feeding and commuting along with Tree Potential Bat Roost (PBR) Surveys were also undertaken at this time. Re-surveying took place in 2023 and 2024. The site and surrounding lands were resurveyed for evidence of terrestrial mammal activity (including badger, fox, hedgehog, otter and squirrel and refuges in February, April and May 2024. A camera trap survey was undertaken between 22nd April and 24th June 2024. Bat surveys were undertaken on 5 occasions. An otter survey was undertaken in October 2024 consisting of inspection of both River Dargle banks (c 840m per bank) beginning at the swan sanctuary at Harbour Road and extending to Lower Dargle Road. The proposed development site was surveyed for the presence of wintering waterbirds in February, March, September 2023 and February 2024. A further waterbird survey was undertaken in within the site and along the River Dargle to ascertain whether the Mute Swan population at Bray Harbour utilise the greenfield areas of the site or have regular passage over it. Morning and evening surveys were undertaken in February and March 2024. A Phase 1 habitat survey was undertaken in May, June and July 2024. A Tree Survey was taken during February 2024.

- 9.8.4. Baseline: The appeal site is a greenfield site with scattered trees and a bordering treeline. It is bordered by an urban environment to the west, a primary school to the north, a railway line to the east and the River Dagle close to its southern border which outfalls to the sea at Bray Harbour. This stretch of the river has been subject to flood defence works and the river banks are development into a formalised promenade and public amenity space.
- 9.8.5. The nearest European Site, Bray Head SAC is c 1.7km from the appeal site. There is no direct connection from the project site to Bray Head SAC or any other European

Site. The project site is connected to the River Dargle on the basis that surface water from the proposed development will outfall to the River Dargle at operational stage. There is therefore potential for some mobile ex-situ QI species that may utilise the river or coastal waters and therefore be within the Zone of Influence of the development site. In this context the QI species of the Rockabill to Dalkey Island SAC, Harbour porpoise, has been recorded around Bray Harbour and is within the Zone of Influence of the proposed development. Otters are a QI species of Wicklow Mountains SAC. It is considered that the lower stretches of the River Dargle are likely outside the territorial range of the otter populations of Wicklow Mountains SAC however, following a highly precautionary approach, it is assumed for the purposes of the assessment that ex situ QI otters from that SAC may range 14km downstream to the estuarine waters of the River Dargle and it is assumed to be within the Zone of Influence of the proposed development. No SPAs are considered to be within the Zone of Influence of the proposed development. Site surveys and NBDC records note that the subject site is not used by SPA birds other than small numbers of the common gull. The project site is not used by wildfowl and/or waterbirds; it does not lie between wetland sites and therefore there is no regular passage or migratory pathways of wintering waterbirds across the proposed development site.

- 9.8.6. Bray Head proposed NHA is the nearest proposed NHA to the subject site, located c 1.6km to the south. There is no direct or indirect connectivity from the proposed development site to any NHA or proposed NHA. The proposed development is located c180m from Annex I habitat, Tidal mudflats and sandflats; the subject site is separated from this habitat by the physical barrier of the railway line, Harbour road and other development. Bray Head is also subject to a Special Amenity Area Order (SAAO).
- 9.8.7. The habitat types recorded within the application site (and an evaluation of each type) are set out in section 5.3.3 of the EIAR and comprise Amenity Grassland (GA2); Scattered Trees and Parkland (WD5); Treeline (WL2); Dry Meadow and Grassy Verges (GS2); Scrub (WS1); Spoil and Bare Ground (ED2); and Artificial Surfaces (BL3). The site was surveyed for invasive plant species and Japanese Knotweed was identified on the western side of the site with one such plant located within the redline boundary. A larger stand of Japanese Knotweed is located outside the redline boundary and is excluded from the site by a metal fence.

- 9.8.8. The Tree Survey (Appendix 5.1 refers) undertaken during February 2024 involved an inspection of 231 trees with none graded category A (high value), 58 graded category B (moderate value), 134 graded category C (low value), and 39 graded category U (poor condition). 6 no. tree groups were recorded with 77 trees within these groups. Many of these trees were not accessed or assessed individually due to poor ground conditions and incomplete topographic survey data (6 no. trees outside the site boundary). Tree cover across most of the site is remnant landscape planting associated with the former golf course.
- 9.8.9. Bat Surveys: The site was subject to several bat surveys (Appendix 5.2 refers). Locations of transects and surveyed trees are provided in Figure 5-6 of the EIAR. Two Bat emergence surveys were conducted around two oak trees which had roosting bats in 2020. These surveys were carried out in the appropriate seasonal window (Jun and July 2024). The first emergence survey demonstrated no bat emergences; a single Common Pipistrelle was observed foraging before proceeding west. No other bats were observed with bat activity during the survey regarded as minimal. The area was noted to be well lit by streetlighting. The results of the second emergence survey demonstrated no emergences. Again bat activity was low and no bats were identified in either of the oak trees or neighbouring trees. Three transects (survey areas) were developed across the site with bat activity surveys conducted on each (June and July 2024). Overall bat activity was deemed to be low across the three transects, other than the initial foraging of Pipistrelles at the start of the survey within Transect 2. Two static detectors were left on site to gain additional data between 2nd July 2024 and 19th July 2024 and they produced data detailing similar species profile and activity levels as previously identified by the emergence and bat activity surveys. One additional species was identified, the Brown Long Eared, recorded on three separate non-consecutive days indicating it to be an occasional commuter within the area but not utilising the site regularly.
- 9.8.10. Mammal surveys: These took place in February, April and May 2024, with the site surveyed for evidence of badger, otter, fox, hedgehog and squirrels. A camera trap survey was undertaken between 22nd April and 24th June 2024. No badger sett was recorded within the site nor within scrublands to the east of the railway line. Activity within a mammal hole found c30m outside the red line boundary was recorded on

camera and determined that a fox was using the hole. A single badger was photographed commuting near the site. Site survey evidence indicates the proposed project site is within the foraging territory and commuting area of badgers which have a sett c 1km to the north of the site, considered likely to be a breeding sett.

- 9.8.11. An otter survey was undertaken on 25th October 2024 consisting of inspection of both River Dargle banks (c 840m per bank) beginning at the swan sanctuary at Harbour Road and extending to Lower Dargle Road. No evidence of otter activity was found and there are no otter holts alongside the proposed development site. The man-made banks of the River Dargle alongside the development site (concrete flood defence wall, promenade, rock armour) are unsuitable habitats for otters / holt establishment.
- 9.8.12. NBDC records identify marine mammals as having been recorded within the coastal waters directly around Bray Harbour and these include the Common Porpoise, Bottle-nosed Dolphin, Common Dolphin and Grey Seal.
- 9.8.13. Bird Surveys: Table 5-4 outlines historical records of bird species recorded within and around the proposed development site. Bray Harbour is a Swan Sanctuary. The harbour and lower stretches of the River Dargle are also an Irish Wetland Bird Survey (I-WeBS) monitoring site located adjacent to the proposed development. Table 5-5 lists available bird count data and details the annual peak waterbird counts between 2018-2024 for the I-WeBS site at Bray Harbour.
- 9.8.14. Bird surveys were undertaken in 2024 (dawn, day and dusk surveys) and assessed bird activity and species numbers within and overflying the proposed project site, with two vantage points employed for each survey (i.e. the Swan Sanctuary and the River Dargle walkway parallel to the site). 1 no. Mute Swan and 1 no. mallard overflowed the railway bridge adjacent to Bray Harbour and did not cross the proposed project site. No geese species such as Light-bellied Brent Geese were noted during surveys. Table 5-6 outlines bird species observed during surveys.
- 9.8.15. Likely significant effects of the development are summarised in Table 9.8.1 below.

Table 9.8.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development it is assumed that the site would remain as amenity grassland, scattered trees and parkland. The semi-natural habitat on site is likely to be continued. The potential value of the site to species such as nesting birds, foraging mammals and commuting bats would continue provided hedgerows/treelines would not be lost to other forms of development. greenfield site.
Construction	Impacts on sites designated for Nature Conservation The proposed development involves construction of a surface water outfall into the River Dargle and Irish Sea and as such there is potential hydrological connectivity to coastal and marine based European Sites. The NIS has considered potential impacts and ultimately concludes that the proposed project will not have an adverse effect on the integrity of any European Site. Impacts on Habitats The proposed development will result in the permanent loss of areas of Amenity Grassland (GA2), Scattered trees and parkland (WD5), scrub (WS1) and grassy verges (GS2). These habitats range in value from Local Importance (Lower Value) to Local Importance (Higher Value). There are a total of 302 trees within the site; 45 no. trees will be retained while 257 no. trees will be lost. There are no habitats on site greater than Local Value. No ecological features of regional, national or European importance will be impacted directly by the proposal. There will be a net gain in terms of tree numbers; habitat loss impact will be temporary. Negative impacts to semi-natural habitats would be restricted to within the development site. No long-term significant impacts as a result of habitat loss however the amenity grasslands of the former golf club lands are of importance for foraging badgers, bats and passerine birds. Indirect habitat loss / damage via proximity of construction works

	There is potential for a slight negative impact from construction activities (via contaminated run-off or sediment entering the watercourse) to biodiversity features adjoining the site including River Dargle and associated aquatic habitats. However no instream works are needed for the construction of the stormwater outfall pipe on the artificial river bank. These works are of small scale and of short duration. Mitigation measures (detailed below) will prevent contamination of the aquatic environment from construction related activities and as such impact on aquatic environment is not significant. Indirect habitat / species loss / damage via spread of invasive species 1 no. Japanese Knotweed plant is recorded on site. Site biosecurity measures to remove the plant and the stand of knotweed outside the site will be monitored and measures will be implemented to prevent any potential spread into the site. Measures also to be implemented to reduce introduction of invasive species through importation of soil materials (see Mitigation measures below) and therefore this impact is mitigated to not significant. Impact on bats In the absence of mitigation, the removal of foraging and commuting habitat would be a long-term significant negative impact at the local scale. There will be no loss of bat roosts. Temporary lighting measures which may be required during construction phase may affect bats commuting through/feeding within the site. In the absence of mitigation, disturbance to bats from construction stage lighting would have a short-term significant adverse impact at the local scale. Impacts on badgers and other large mammals Terrestrial mammal surveys did not find any evidence of badger setts, otter holts or protected mammal refugia within the site. A fox den was noted c30m north of the subject site. There will be a loss of grassland and trees leading to a reduction in foraging habitat for
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	badgers; construction phase may also temporarily disrupt foraging habitats and commuting routes. In the absence of mitigation measures, the removal of foraging and commuting habitat would be a long term significant adverse impact on badgers at the local geographic scale. It is presumed that otters use the main river channel for hunting and commuting and the proposed construction works (surface water outfall pipe) has the potential to affect the water quality of the River Dargle, subsequently affecting otters. However all construction activities will proceed in line with mitigation measures below. Therefore potential adverse impacts to otters using the River Dargle are mitigated so as not to be significant. No significant impacts to any other protected mammals are anticipated. Impact on birds The development site is not a terrestrial site known for supporting roosting or foraging waterbirds. 2024 bird surveys did not record rare or uncommon species or species of high conservation value. Surveys in winter 2024 did not record any field feeding wintering waterbirds or wildfowl within the proposed project site. Given the location of the site relative to areas of high avian usage, during the construction phase, the erection of buildings / usage of cranes will not impact on the migratory pathways of waterbirds or wildfowl. Usage of cranes/erection of highly visible buildings will not present a collision risk to birds during construction phase. There will be a net loss of semi-natural habitats within the proposed development area and loss of trees in particular will have a localised effect on nesting and feeding resources for local passerine species. Loss of habitat for breeding birds is considered a permanent slight negative effect at local geographic scale. In the absence of mitigation, the loss of habitat for breeding birds within the site is considered a permanent slight negative effect on passerine bird species at local geographic scale. No impacts on wintering and native waterbirds and wildfowl are anticipated.
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	Impacts on water quality - Indirect impacts to watercourses via surface water run-off. During wet conditions sediment may mobilise, and this poses a threat for aquatic species within receiving waterbodies. However the proposed works proximate to River Dargle involves provision of an outfall pipe in the flood defence wall. All other construction activities are remote from the watercourse; physical barriers of the promenade and flood defence walls are in place. Any impacts arising from sediment in the river will be imperceptible and temporary at a local level, and in turn potential for sediment to reach the estuary is not likely. - Indirect impacts via groundwater. Chapter 7 details potential impacts on water quality of River Dargle via groundwater pathways and sets out mitigation measures for pollution control. The assessment anticipates adverse impacts on groundwater will be short-term and not significant given mitigation measures proposed. Disturbance and/or displacement of faunal species Bats – Reduction in trees and grassland habitats can lead to reduced insect abundance in short term resulting in a loss of foraging prey for bats. Nesting birds – Some disturbance/displacement may occur due to increased noise and disturbance. Loss of trees will also cause reduction in bird nesting and feeding sites. In absence of mitigation this will be a permanent moderate negative at the local level. Terrestrial mammals – No badger setts recorded in the site. Potential for disruption to foraging and commuting routes of terrestrial mammals. Such disruption would be a short-term moderate adverse impact on badgers at the local geographic level. Other species – Protected butterfly and bee species have been recorded in the wider area outside the project site. It is considered that disturbance or displacement of insect species would be short term imperceptible at local level.
Operation	Impact on Sites designated for Nature Conservation

	The proposed development involves construction of a surface water outfall into the River Dargle and Irish Sea and as such there is potential hydrological connectivity to coastal and marine based European Sites. The AA Screening / NIS has considered potential impacts and ultimately concludes that the proposed project will not have an adverse effect on the integrity of any European Site. Once completed the proposed development may lead to an increase in footfall within Bray Head SAC/pNHA. Given the formalised paths through Bray Head SAC which are already heavily utilised by the public and as the paths and protected habitats (heaths and cliffs) are subject to continued maintenance and management measures, it is not considered likely that any increase in footfall that may occur at this location would affect Bray Head's heath and cliff habitats. Foul effluent from the proposal will be treated at Shanganagh WWTP and treated discharge from that WWTP is not anticipated to have any impact on any habitats/species associated with any designated conservation site. No direct or indirect impacts are anticipated on any national or European designated conservation areas during the operational phase of the proposed development. Impacts on habitats No impacts on terrestrial habitats are expected. Proposed surface water drainage system is designed with a range of SuDS features and accords with the Greater Dublin Regional Code of Practice for Drainage Works and Sewers (GDSDS). Surface water run-off will be attenuated to greenfield rates using a hydrobrake on the surface water outlet for each catchment. Foul drainage will connect to the existing Bray foul water network processed by the Shanganagh WWTP and UE has confirmed available capacity to accept the loading from the proposed development. The effluent will be treated at the WWTP. Having regard to the foregoing it is considered that the proposed development will not negatively impact, directly or indirectly, any of
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	the habitats or species within the aquatic environments of the River Dargle or the Irish Sea. Impacts on marine and coastal mammals Noise and vibration impacts as a result of piling during the construction process could potentially impact marine and coastal mammals, including Harbour porpoise, seal and otter. While the EIAR considers impacts would not cause significant effects, as detailed in the Technical Note of the ACP Ecologist (Appendix 4), there is potential for disturbance to these marine and coastal mammals. I concur with the recommendation outlined in the ACP Ecologist's Report that should permission be granted, a condition be included that only bored piling methods are used for the construction of proposed blocks E, H and I, given the proximity of the proposed development site to sensitive ecological receptors. As detailed in the ACP Ecologist's Report, at a 100m distance from the source, noise levels are expected to be 56 dB, approaching local daytime ambient noise levels. As such, significant effects from disturbance and displacement of coastal and marine mammals are unlikely from this particular type of piling. Impacts on bats Increased lighting may reduce availability of feeding sites for bats and would be a long-term significant adverse impact at local geographic level. See mitigation measures below. The loss of linear features (e.g. hedgerows, trees) would have a long-term significant adverse impact at local geographic level. The entire Masterplan lands incorporates additional planting along an ecological buffer zone to the eastern side to ensure connectivity between habitats, and bat flight lines. Impacts on badgers There will be a loss of foraging habitat for badgers, in the form of grassland areas, treeline and areas of scrubland. The landscape design envisages an ecological buffer at the eastern side of the site connecting into Phase 1 development to the north which will provide
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	foraging and commuting routes for badgers known to be located in lands to the north. The operational phase of development will lead to a long term moderate impact on badgers at local level. Impacts on water quality No significant impacts to aquatic species within the River Dargle are anticipated from surface water run-off collected by a new surface water drainage system which is designed in accordance with the GDSDS. No deterioration in water quality is expected. Foul effluent from the proposed development will be collected by a new sewer which will discharge into the existing public system. The effluent will be treated at Shanganagh WWTP. No impacts to ecological features are expected. No deterioration in water quality is expected. Impacts on birds – Collision Risk Collision risk is assessed in section 3.4.1.2 of the EIAR. In the case of birds (waterbirds and wildfowl) including mute swan using the Bray Harbour I-WeBs count site, their movement would be expected to be within the marine environment along the coastline, within estuarine areas, along river channels and between wetland sites. The project site does not proffer any of these habitats nor does it lie between Bray Harbour I-WeBs count site and any sites of high avian use. The birds accommodated within Bray Harbour will not have regular or repeated passage across the site in order to reach preferred habitats. Site survey evidence in 2024 did not note any passage of waterbirds across the site and the project will not restrict bird mobility between wetland sites; it is considered there will be no likely significant effects on Bray Harbour's bird populations from potential collisions with the proposed apartment buildings. The submitted AA concludes no likely effects on bird populations associated with Dalkey Islands SPA, Wicklow Mountains SPA, South Dublin Bay and River Tolka Estuary SPA, The Murrough SPA and North-West Irish Sea SPA from potential collision with proposed apartment buildings. Furthermore the proposed apartment blocks do not include large uninterrupted
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	expanses of glass. The ACP Ecologist's report (Appendix 4) notes that the proposed blocks are designed to minimise the factors influencing bird collision risk, stating that the subject site is not within a migratory flight path or commuting flight path between wetland sites and therefore collision risk is not likely to have a significant effect on wintering waders and the mute swan species. Given the built up nature of the surrounding landscape and that local native bird populations are accustomed to the urban environment, the proposed buildings present a low risk to local bird species. Disturbance and/or placement of faunal species The proposed development will be sufficiently distant from the River Dargle and Bray Harbour so that it would not cause disturbance to wintering and native waterbirds. As the harbour and estuary areas are heavily used by the public, bird species within coastal areas are very habituated to human presence. As such disturbance related impacts on waterbirds is considered imperceptible. Once construction works end and landscaping becomes established, common bird species will use the site again. Wildflower areas and pollinator species could lead to an increase in insect availability for birds.
Cumulative	The EIAR identifies a number of granted developments in the vicinity. It also identifies a number of planned projects including Sea Gardens Masterplan development and the proposed Bray Sustainable Transport Bridge. In relation to this latter project the EIAR states the following: <i>WCC detail that this bridge is still at design stage and as such bridge construction works will not occur at the same time as the proposed developments' small scale surface water drainage works on the Dargle riverbank. It is noted that the development and design of this bridge will necessitate an Environmental Impact Assessment Report(EIAR) with associated environmental mitigation measures and surface water protection measures as works will be occurring directly within and across the river channel. Given that the bridge works will not occur at the same time as the proposed developments'</i>

	<i>riverbank works and that the Bray Sustainable Transport Bridge, should it proceed, will require surface water protection measures and given that the proposed development works will not result in any significant water quality impacts to the River Dargle, it is considered that the two proposed projects will not act in combination to give rise to likely significant effects on any European site.</i> With regards to the Sea Gardens Masterplan development the EIAR states the following: <i>due to the location, scale and nature of the Phase 1A, Phase 1B and Phase 2 developments and the future Phase 3 site and lack of viable pathways from any of the proposed development sites to any European site it is considered that the construction and/or operation of Phase 2, either alone or in combination, will not give rise to impacts on any European sites.</i> Overall the EIAR concludes that having regard to the elements of the different plans and projects detailed, they are not anticipated to act in-combination with the proposed development to affect any designated site. Cumulative impacts to habitats: <i>Given that no significant adverse impacts are anticipated on habitats of high ecological value as a result of the proposed project, it is considered that the proposed project will not act in combination with other plans and projects to give rise to significant effects on habitats of high ecological value.</i> Cumulative impacts to species: <i>Cumulative impacts to local bats and bird species are considered to be imperceptible in the long term. Cumulative impacts of the proposed development with the granted Aeval Ltd. SHD in Woodbrook will lead to an overall reduction in badger foraging area, however the 2 no. projects do allow for badger mitigation in the form of habitat creation, habitat connectivity and the creation of wildlife corridors. As such it is considered cumulative impacts of the 2 no. projects will have a long term moderate negative impact of badgers at a local geographical level.</i> Cumulative impacts to Aquatic Ecology: <i>Impacts on surface water features and aquatic ecology are not anticipated from the proposed</i>
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	<i>development as only small-scale works (i.e. 1 no. pipe outfall) are necessitated on the artificial banks of the River Dargle. The next phases of the proposed Sea Gardens Masterplan development will be designed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works and Sewers (GDSDS). Cumulative impacts on the local surface water features are not anticipated.</i>
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Mitigation

9.8.16. Section 5.5 of the EIAR sets out a number of mitigation measures to address potential biodiversity impacts. These measures are in addition to those mitigation measures within the Land, Soils and Geology chapter (Chapter 6) and the Water chapter (Chapter 7). Construction phase mitigation measures detailed in Chapter 5 include:

- Protective fencing around retained trees and encompassing the Root Protection Areas (RPAs) of trees and hedgerows.
- Substantial native tree planting on the site.
- Construction lighting, if required, to be directed away from all boundary habitats by way of directional lighting.
- Removal of bird nesting habitat to be undertaken outside of bird breeding season. If this is not possible, NPWS to be consulted in advance.
- Contractor to adhere to 'Guidelines for the Treatment of Badgers prior to the Construction of Road Schemes (2006).
- Site to be resurveyed for badger activity and presence of setts. Should there be an active sett on site the NPWS will be informed and consulted.
- No excavations to be left uncovered overnight or without a means of egress to prevent badgers from falling in or entering and becoming trapped.
- No toxic, poisonous or potentially harmful substances to be left unsecured overnight.
- A response procedure will be put in place to deal with any accidental pollution events.
- A range of measures (detailed in the EIAR) will be implemented to prevent any potential surface water impacts vis release of cementitious materials where poured concrete is being used on site.

- A range of measures (detailed in the EIAR) will be implemented when installing the surface water outfall pipe on the River Dargle's flood defence wall / promenade.
- Excavation works of the knotweed plant will be supervised by a suitably qualified ecologist or an Invasive Plant Species Specialist.
- Landscaping design measures including provision of net gain in number of trees within the site (535 no. standard sized trees, 447 no. semi-standard sized trees, 674m of hedging proposed within the planting schedule).

9.8.17. Operation phase mitigation measures include:

- Lighting within and around the development designed to be cognisant of minimising effects on local nocturnal species such as badgers and bats.
- Bat friendly lighting within the Central Park and also along the eastern boundary facilitating a darker corridor along the eastern ecological buffer zone.
- Sustainable drainage measures including permeable paving, planted swales and green roofs.
- Mains infrastructure for foul sewage disposal deigned in accordance with UE Code of Practice.
- Bird nesting boxes (7no.) on retained trees and insect boxes (5 no.) in shrub and wildflower locations in proposed Central Park.

9.8.18. In terms of monitoring (Section 5.6 refers), pre-construction / pre-site clearance bat surveys and terrestrial mammal surveys by a suitably qualified ecologist will be undertaken. NPWS to be notified and consulted if bats have established roosts or if protected mammal refugia are found within the site. A year after construction of the entrance roadway the appointed ecologist will inspect the area where the knotweed plant was located to ensure the site is free from invasive species. Operational phase monitoring, to ensure success of landscape features specifically in relation to biodiversity enhancement measures, shall be undertaken.

Residual Impacts

9.8.19. Residual ecological impacts of the proposed development are not anticipated to be significant and are expected to be localised to the site and immediate environs. Local populations of bats, badgers and birds may suffer some disruption and habitat loss in

the short term; habitat losses to development are not considered significant. Provided ecological mitigation measures and monitoring are implemented correctly, no cumulative impacts are foreseen.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.8.20. I have examined, analysed and evaluated the information provided in Chapter 5 and all the associated documents on file in respect of Biodiversity. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation and monitoring measures (see Section 5.5 and 5.6) to reduce any potential impacts.
- 9.8.21. *Habitat:* Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the impact of the proposed development on habitats would not be significant.
- 9.8.22. *Mammals:* Given the nature and characteristics of the appeal site I am satisfied that the impact on terrestrial mammals would not be significant. There is an active badger sett outside of the project site to the north, and it is apparent from surveys that the project site is used for commuting purposes by badgers. The proposed development will result in the loss of foraging habitat. The landscape design envisages an ecological buffer at the eastern side of the site connecting into Phase 1 development to the north which will provide foraging and commuting routes for badgers known to be located in lands further north. On a precautionary basis, it is presumed that otters use the main River Dargle channel for hunting and commuting and the proposed construction works (surface water outfall pipe) has the potential to affect the water quality of the River Dargle, subsequently affecting otters. However provided all construction activities proceed in line with mitigation and monitoring measures as provided in Sections 5.5. and 5.6 respectively, potential adverse impacts to otters using the River Dargle are mitigated so as not to be significant. The ACP Ecologist's report has concluded that both construction and operation stage mitigation measures are comprehensive and appropriate to the nature and scale of works proposed.
- 9.8.23. *Bats:* Bat surveys indicate that the site is used by a number of bat species, who use the site for foraging and commuting. There are, however, no confirmed bat roosts on

site. Mitigation measures are proposed to address potential impacts on bat species, including planning of extensive tree, shrub and wildflower planting, connectivity to linear/woodland habitats in the wider landscape, and measures to address impacts from lighting, including the provision of a darker ecological corridor along the eastern side of the site connecting into the Phase 1 ecological corridor to the north. Lighting proposals are designed in accordance with recommended guidance to minimise effects on sensitive nocturnal wildlife such as bats and other species such as otters. The ACP Ecologist is satisfied that the lighting proposals are appropriate and take account of biodiversity requirements. I am also satisfied that the impact on wildlife including bats would not be significant.

- 9.8.24. *Birds*: There will be a net loss of semi-natural habitats within the proposed development area and loss of trees in particular will have a localised effect on nesting and feeding resources for local passerine species.
- 9.8.25. The development site is not known for supporting roosting or foraging waterbirds and site surveys indicate the site is not an ex-situ foraging or roosting site for species of QIs from SPAs in the wider area. 2024 bird surveys did not record rare or uncommon species or species of high conservation value. Surveys in winter 2024 did not record any field feeding wintering waterbirds or wildfowl within the proposed project site. Given the location of the site relative to areas of high avian usage, during the construction phase, the erection of buildings / usage of cranes will not impact on the migratory pathways of waterbirds or wildfowl. Usage of cranes/erection of highly visible buildings is not likely to present a collision risk to birds during construction phase.
- 9.8.26. Site survey evidence in 2024 did not note any passage of waterbirds, including mute swan, across the site and the project will not restrict bird mobility between wetland sites; it is considered there will be no likely significant effects on Bray Harbour's bird populations from potential collisions with the proposed apartment buildings at operational stage. Proposed apartment blocks do not include large uninterrupted expanses of glass. I agree with the conclusion that given the built up nature of the surrounding landscape local native bird populations are accustomed to the urban environment, and that the proposed buildings present a low risk to local bird species. This view is supported in the ACP Ecologist's Report which notes that proposed blocks are designed to minimise the factors influencing bird collision risk and states that the subject site is not within a migratory flight path or commuting flight path between

wetland sites. During operational phase I am satisfied that the impact on birds would not be significant.

Comment on third party issues raised

- 9.8.27. I do not concur with the submissions which suggest the EIAR does not acknowledge the estuarine stretch of the River Dargle as an important habitat. The River Dargle estuary is adjacent to the site and the EIAR notes that the NIS has assumed, on the basis of a precautionary approach, that otters from the Wicklow Mountains SAC may range c14km downstream to the River Dargle estuary.
- 9.8.28. Section 5.4.4.3 of the EIAR acknowledges the potential for a slight negative impact from construction works upon the aquatic environment of the River Dargle and also upon benthic habitats associated with the Dargle estuary. The ACP Ecologist's Report notes the third party suggestion that inter tidal reef habitats and benthic communities stated to be found proximate to the site could be threatened by sedimentation arising during the construction phase. In this context, the Ecology report notes that indirect impacts from discharge of treated foul effluent during operational phase are ruled out as effluent will be treated at the Shanganagh WWTP, and that the River Dargle Flood Defence Scheme (completed in 2017) borders the overall development site to the north along with the promenade and therefore the risk of large volumes of run-off from the site reaching the river / sea is very limited. The ACP Ecologist considers that construction and operational stage mitigation measures are comprehensive and appropriate to the nature of the proposal and as such significant effects on reef habitat are considered unlikely. I concur with this conclusion.
- 9.8.29. Section 5.4.5.6 relating to impacts on birds, specifically collision risk, confirms that the movement of waterbirds and wildfowl using Bray Harbour will fly through the wider landscape with movement expected to be within the marine environment, along the coastline, within estuarine areas, along river channels and between wetland sites. It is not anticipated that the waterbirds within the Bray Harbour count site will have regular passage across the project site in order to reach preferred habitats, with 2024 site survey evidence not noting passage of waterbirds across the proposed development site. Based on this information in the EIAR and NIS, the project site is not within a migratory flight path or commuting flight path between wetland site and as such the proposed development is not likely to have a significant effect on the birds on the River

Dargle and the Bray Harbour swan sanctuary. The ACP Ecologist's report accords with this position.

- 9.8.30. Section 5.4.5.7 relates to disturbance and/or displacement of faunal species including waterbirds at the River Dargle and Bray Harbour. The EIAR notes that when operational the proposed development will be sufficiently distant from the River Dargle and Bray Harbour so as not to cause disturbance to wintering and native waterbirds; I concur with the finding that bird species within coastal waters are habituated to human presence on the basis that harbour and estuary areas are in use by the public. This position is also supported by the ACP Ecologist's Report.
- 9.8.31. Further, I note that the otter survey undertaken covered a stretch of approximately 840m along each bank of the River Dargle, from the Swan Sanctuary at Harbour Road extending as far as the Lower Dargle Road.
- 9.8.32. On the basis of the foregoing I am satisfied that the EIAR acknowledges the River Dargle estuary and Bray Harbour as an important habitat.
- 9.8.33. Proposed Block E, a landmark building of 15 storey design, is positioned at the axis of the coastline and River Dargle. There is a concern that proposed building heights at the river margins introduces overshadowing of intertidal habitats and reduced light penetration at in estuarine margins may impact on algal and biofilm communities that support prey relied upon by birds / swans. Having regard to the orientation of the site relative to the path of the sun, in addition to the location of proposed Block E on the lands and north of the River Dargle, I am satisfied that there would be no adverse overshadowing impact on the River Dargle, its associated estuary and coastal area.
- 9.8.34. Concerns are raised in relation to disturbance impacts on species such as otters and seals arising from noise and vibration, particularly during the construction period. The appeal site is near a busy urban area, including Bray harbour which is heavily used by the public; harbour seals and otters are likely to be somewhat habituated to human generated noise and to noise and vibration from the railway / DART line bounding the eastern side of the site and which runs immediately west of the harbour. There is however potential for disturbance of otter and marine mammals including seals and porpoise during construction phase due to noise and vibration. I concur with the recommendation outlined in the ACP Ecologist's Report that should permission be

granted, a condition be included that only bored piling methods are used for the construction of proposed blocks E, H and I, given the proximity of the proposed development site to sensitive ecological receptors. As detailed in the ACP Ecologist's Report, at a 100m distance from the source, noise levels are expected to be 56 dB, approaching local daytime ambient noise levels. As such, significant effects from disturbance and displacement of coastal and marine mammals are unlikely from this particular type of piling.

9.8.35. The appeal from Marcia Nicholson refers to the 'Bray Swan Flight Corridor which is stated as being compiled using National Biodiversity Data Centre open data and local observation by Bray Swan Sanctuary. It is stated that Bray Harbour functions as the primary feeding, loafing and resting area for the swan colony and that the River Dargle provides the main breeding and foraging corridor for the swans. In this context mapping is provided which charts feeding points along the harbour and the river, with red nodes identifying the proposed bridge site stated in the appeal to be a 'conflict zone' which identifies locations of potential strike risk and disturbance. The black lines on the mapping are stated to be observed and inferred flight paths. In this context, I note that the black lines do not traverse the appeal site. In my view this submitted information is not in conflict with the findings of the NIS which has been prepared by suitably qualified and experienced project ecologists that the appeal site is not within a migratory path or commuting flight path between wetland sites and therefore collision risk is not likely to have a significant effect on this species. This position is supported in the report of the ACP Ecologist. In terms of the proposed Bray Transport Sustainable Bridge, I note again that this infrastructure is not proposed under Phase 2 development.

9.8.36. Concerns are raised that the River Dargle was not included in the bat surveys. Location of Transects is provided in Figure-5-6 of the EIAR. The report of the ACP Ecologist notes that Transect 1 is located along the southern boundary of the site boundary c.40m from the River Dargle and considers the bat transect surveys carried out are sufficient to provide a representative sample of the bat activity in the habitats within the subject site. The report also notes that future development in proximity to the subject site and the River Dargle, such as Sea Gardens Phase 3, will be the subject

of a separate application and project specific assessments. I concur with this conclusion.

Conclusion

9.8.37. Having regard to the examination of environmental information in respect of Biodiversity, in particular the EIAR, and having regard to the ACP Ecologist's Report, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the species potentially impacted by the proposed project and provides a suitably comprehensive range of mitigation and monitoring measures (see Sections 5.5 and 5.6 respectively) to reduce any potential impacts to non-significant levels. Having reviewed the planning history in the vicinity I am satisfied that there is no potential for cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site. Therefore, I am satisfied that subject development will not give rise to significant negative direct, indirect, or cumulative effects on the biodiversity of the site or the area.

9.9. Land, Soils and Geology

Issues Raised

9.9.1. No specific issues are raised in respect of lands, soil and geology in the appeals and observations.

Examination of the EIAR

9.9.2. Context: Chapter 6 addresses the impact on Land, Soils and Geology and considers any direct or indirect effects on these resources arising from the proposed development. The chapter outlines the baseline land, soils and geological environment, methodology used, sources of information and assessment criteria. This chapter is supported by Appendix 6.1 (River Quarter Bray Ground Investigation Report – Factual 2024) and Appendix 6.2 (Harbour Point Bray Phase 1 Ground Investigation 2021).

9.9.3. Baseline: Soils and Bedrock: Based on GSI's public data viewer, the dominant soil type underlying the site and surrounding area is made ground. The primary superficial/quaternary sediments underlying the vicinity of the site comprise gravels

derived from Limestone and Urban. Alluvium is present along the River Dargle. During the Phase 2 ground investigation (2024) topsoil was encountered at most locations across the site. Made ground comprised of hardcore stone or gravel fill was encountered in 3 no. boreholes. Till was encountered across the site and is generally underlain by dense grey fine to coarse sandy silty gravel with some cobbles and peat layers to a maximum depth of 14.2mbgl in borehole 306. One identified contaminant of potential concern (presented in Appendix 6.1) is naturally occurring barium within the soils and ground beneath the site. Based on reported concentrations and the proposed land use, the concentrations do not pose a future human health risk. The GSI bedrock geology 100k map identifies the predominant underlying bedrock as the Maulin Formation which is made up of dark blue grey slate, phyllite and schist. There is a small part of Bray Head Formation within the scheme. The majority of the site is underlain by Deep marine; slate, schist and minor greywacke, while the south is underlain by Marine; greywacke and shale. There are no waste licensed facilities within the immediate locality around the site. The Landslide susceptibility classification map (GSI, 2025) indicates a low risk. Based on the nature of the proposed scheme and the designation criteria and locations of Geological Heritage Areas (GHAs) (the nearest one being Killiney Bay GHA), the scheme will not result in any likely environmental effects to designated GHAs. The EPA Radon Map(Figure 6-20) indicates 1 in 20 homes in the southern part of the scheme likely to have high radon levels.

9.9.4. Potential effects of the proposed development are summarised in Table 9.9.1 below.

Table 9.9.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development the land will remain a brownfield site and the geological regime will remain unchanged. This scenario will have a neutral and imperceptible effect on the site with regard with land, soils and geology.
Construction	Soils will be excavated to a maximum depth of 4m across the site Total cut material to be exported off site comprising demolition waste (5,026m ³) and soil (19,366m ³) totals 24,392m ³ . Stripping of

	hardstanding and ground may result in exposure of underlying subsoil layers to weather and construction traffic and may result in subsoil erosion and generation of sediment laden run-off. Topsoil and subsoil may become rutted. Approximately 83,957m³ of suitable grade engineering fill material (subbase/capping/hardcore) and grey slab will be imported to the site. Piling will be required primarily to facilitate foundations for Blocks E, H and I. Proposed ground improvement works could result in dust generation. Dust may also be generated during extended dry weather periods as a result of construction traffic. Soils beneath the proposed development may become unnecessarily compacted by machinery during construction. Soil may become contaminated through site construction activities e.g. risk of spillages, and leakages from fuel oils and paint. Temporary onsite groundwater and gas monitoring wells could provide a conduit for potential contamination of soils and bedrock through construction activity, in particular through risks of spillages of fuel oils and paint. These potential impacts are likely to result in moderate negative impacts on the receiving soils/bedrock; however any impacts are considered to be short term and localised.
Operation	Impact on land take is likely to have a slight negative permanent impact on the environment of the area; however this change is consistent with existing and emerging trends. The site is in a zoned residential area with existing housing and commercial land use within the immediate vicinity. Potential ground gas issue due to elevated levels of carbon dioxide within one localised area, deemed to be at 'low risk' in the western portion of the site, in the vicinity of proposed Block H. This could result in a moderate negative and permanent impact.
Cumulative	The results of the cumulative impact assessment for Land, Soil and Geology are presented in section 16.2.3 of the EIAR. This identifies relevant developments in the immediate environs of the proposed

	development which have been approved but are not yet built or operational and also considers relevant developments not yet approved but which could, if approved, have a cumulative effect with the proposed development. This includes all phases of the Sea Gardens Masterplan, including proposed Phase 3. Having regard to factors including consideration of mitigation measures (set out below), the EIAR notes that there will be no likely significant effects when considered cumulatively with the relevant developments (as defined above).
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Mitigation

- 9.9.5. Mitigation measures are outlined in section 6.5 of this chapter. These include gas protection measures for Block H (based on this part of the site being 'at low risk') removal of all waste for offsite disposal to a suitably licensed waste facility, minimise exposure of subsoil layers to effects of weather, measures to prevent the contamination of soil/bedrock during construction phase, dust suppression measures, storage of excavated materials away from immediate work area, stockpile management, use of wheel wash, bunds, dedicated refuelling areas and implementation of site-specific CEMP during construction phase. No further mitigation measures are proposed at operation phase.

Residual Impacts

- 9.9.6. The impact on land take is likely to have a slight negative permanent impact on the environment of the area however this change is consistent with existing and emerging trends, and the site is zoned for mixed use development.
- 9.9.7. The primary impact is the removal of C&D waste and waste soils for offsite disposal (c.5,026m³ of C&D waste and c19,366m³ of waste soils). However the waste soils will be appropriately classified, transported and disposed of at an appropriate licensed waste facility and in accordance with the requirements of the Waste Management Acts, the Waste Framework Directive and any other relevant waste management legislation. As such, the residual impact with respect to offsite soil removal is deemed likely to be slight negative and permanent. As such it is considered that no significant

effects (with respect to Land, Soils and Geology) to the receiving environment are likely to arise as a result of the proposed scheme during the construction phase.

- 9.9.8. Installation of an appropriate ground gas membrane beneath Block H will ensure that potential moderate negative permanent impacts do not occur during operational stage.
- 9.9.9. It is concluded that no likely significant effects to the receiving environment are likely to arise as a result of the proposed development during both construction and operational phases and I concur with this assessment, having regard to the proposed mitigation measures.
- 9.9.10. Having regard to the mitigation measures specified, I am satisfied that there will be no significant effect on lands, soil and geology and no likely significant effect when considered cumulatively with developments identified as having potential to give rise to cumulative effects with the proposed development.

Monitoring

- 9.9.11. A monitoring and supervisory regime of all excavations and stability assessments will be implemented to ensure proposed construction works do not constitute a risk of stability of the site. No monitoring is required during operational stage.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.9.12. I have examined, analysed and evaluated the information provided in Chapter 6 and all the associated documents on file in respect of Land, Soils and Geology. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts. Of particular note is the installation of appropriate ground gas membrane beneath Block H due to elevated levels of carbon dioxide at this location.
- 9.9.13. The proposed development entails the stripping of soil and earthworks. The potential impact of the proposed development on the land and soils/geology is primarily the removal of soil/subsoil increasing the vulnerability of bedrock to contamination from the spillage of fuels etc and also the release of sedimentation as a result of the transportation of excavated material and soils within the site. I concur with the EIAR

that the proposed development would not have a significant negative impact on land, soils and geology.

Conclusion

- 9.9.14. Having regard to the examination of environmental information in respect of Land, Soil and Geology, in particular the EIAR and relevant appendices, I am satisfied that the main significant direct and indirect effects arise during the construction phase of the development and that these effects can be mitigated by the measures set out in Chapter 6, which for the most part comprise the application of standard good practices. The subject lands formerly used as a golf course consists of a heavily modified landscape and does not contain significant geological features or soil typologies. Having reviewed the planning history in the area and examined the results of the cumulative impact assessment for Land, Soils and Geology as presented in Chapter 16 of the EIAR, and having regard to the proposed mitigation measures, I am satisfied that there will be no significant negative effect on lands, soil and geology and no likely significant effects when considered cumulatively with developments identified as having potential to give rise to cumulative effects with the proposed development. Each development has or will be subject to EIA screening / assessment.

9.10. Water

Issues Raised

- 9.10.1. A number of objections and concerns are raised by third parties / observers regarding flood risk and impacts on WFD objectives arising from the proposed development. Issues raised include:
- Site lies within or adjoining flood zones including within Flood Zone A. Block E is partially within Flood Zone A.
 - No demonstration of safe access during the one in one hundred or one in one thousand year events.
 - No compensatory storage provided and as such residents elsewhere incur heightened risk. Hydraulic modelling does not incorporate climate adjusted projections.

- It has not been demonstrated that road routes located in Flood Zone A would remain passable.
- Flood defences failed in 2015 and 2016.
- In accordance with the Flood Risk Guidelines no development should take place on Flood Zone A if there is another location at lower risk close at hand.
- It is unsafe to permit a childcare facility on Flood Zones A or B.
- The 2011 Flood Zone A is the only accurate mapping of flood risk on the lands. The Justification Test within Bray's development plan is flawed. Flood Risk Management Guidelines requires that any decision on this planning application would be premature before Bray's 2025 LAP is adopted.

Reponses to these concerns are set out in sections 9.10.13 and 9.10.33 respectively (below).

Examination of the EIAR

9.10.2. Context: Chapter 7 addresses the impact on water (hydrology and hydrogeology) and considers any direct and indirect effects on this resource arising from the proposed development. In this chapter the existing baseline conditions and character of the hydrological and hydrogeological characteristics of the site and local catchment are presented and the anticipated potential impacts from the proposed development are identified and discussed. Mitigation measures are proposed, residual impacts are assessed, and any relevant monitoring options are considered. The methodology and scope of the assessment involved the completion of a desk based study including review of available historical information and site attendance during the Phase 2 ground investigations undertaken in 2024. This chapter is supported by Appendix 7.1 – Flood Risk Assessment documents.

9.10.3. Baseline: In terms of current site setting and topography most of the proposed development lands are located on the former Bray Golf Club. The southern and eastern portions of the site are located on low lying level ground, while the ground rises slightly towards the north elsewhere. A temporary construction compound and car park occupy the centre of the site and the northern part of the site contains

stockpiled soil. An existing road running from north to south divides the eastern and western portion of the site. The south-east portion of the site is occupied by a car park and access road (now closed). The boundary to the River Dargle is defined by a modern concrete flood relief wall and drainage ditch. There is existing significant foul drainage infrastructure within the site. There is an existing UE underground foul water storage tank proximate to the western boundary which is a critical piece of infrastructure associated with the Bray Pumping Station to the south of the River Dargle. The site slopes from the northwest to the River Dargle in the southeast. The levels range from 7.2m AOD on the northern boundary to 1.47m AOD on the southeast boundary.

9.10.4. Potential contamination sources: there are nine EPA licensed facilities within the vicinity of the proposed development, the nearest ones being Nypro Limited (Site Code P0567) and Bray Chemicals Limited (Site Code P0129), both located c 0.4km from the subject site. There are five Section 4 Discharges licenced facilities from the site, the nearest one being Woodlands Academy (Site Code WPL31) located c 2.5km to the southwest. A historic landfill, Bray Municipal Landfill is also located c 150m north-west of the proposed development. Based on a Tier 2 Environmental Risk Assessment from 2016 (Fehily Timoney & Co.) the former landfill was categorised as Class C – Low Risk, which is described by the EPA as ‘not considered to pose a significant risk to environment or human health.’ The existing underground UE foul storage tank and underground foul sewer pipes running along the eastern site boundary which form the main pipeline from Bray to Shanganagh Wastewater Treatment Plant, in addition to the railway line along the eastern site boundary have also been identified as potential contamination sources.

9.10.5. Flood Risk: A Flood Risk Assessment (FRA) was prepared by ARUP in 2025 as part of the planning application (presented in Appendix 7.1 of the EIAR) and it is prepared in accordance with *The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)*, developed by the OPW and the DEHLG. Other relevant planning policy documents to the proposed development listed in the FRA are the Wicklow County Development Plan 2022-2028 and the Bray Municipal District – Local Area Plan 2018-2024. This latter Plan includes a detailed Strategic Flood Risk Assessment (SFRA) and is referred to in the applicant’s FRA relating to the proposed

development site. The subject site passed the Justification Test for future development in the aforementioned LAP.

9.10.6. The FRA notes that flood defences are not taken into account when zoning areas to flood zones. The site is stated to be within Flood Zones A and B and is defended by the River Dargle Flood Defence Scheme up to the 1 in 200 year tidal event (0.5% Annual Exceedance Probability – AEP) and the 1 in 100 year (1% AEP) fluvial event. The FRA also notes that the River Dargle Flood Defence Scheme has allowed for climate change with the design of the defences at the tidal reaches and adaptation/enhancement at the fluvial reaches; therefore an additional climate change allowance is not included in the setting of the flood protection level (which is outlined in section 9.10.9 below).

9.10.7. The FRA identifies that the subject site is potentially susceptible to tidal/coastal flooding from the Irish Sea and fluvial flooding due to the close proximity of the River Dargle. A hydrological analysis and hydraulic modelling were undertaken to analyse the flood risk to the site in the absence of defences and during an exceedance event and in this context three scenarios have been modelled, i.e. the fluvial 1% AEP event, the tidal 0.5% AEP event and the Hurricane Charlie extreme fluvial event. These events were modelled for three conditions, i.e. undefended condition, defended baseline (no proposals) and defended with proposals. The dominant flood event at the site is the tidal 0.5% AEP event. The highest flood level nearest to the site was 3.2m AOD; this level is used to set the flood protection level for the site, with a 300mm allowance for freeboard and therefore the flood protection level is set at 3.5m AOD. The FRA notes that the flood protection level of 3.5 AOD is below or at the Hurricane Charlie maximum undefended flood level near the site.

9.10.8. In order to examine residual risks to the proposed development and potential impacts arising on other sites, an overtopping exceedance scenario was modelled and it demonstrated no increase in flood levels outside of the site and maintenance of existing flow paths within the site to channel and remove water from Little Bray and Dwyer Park to the River Dargle. The FRA also notes that as the site is not currently providing flood compensatory storage and is not within the functional flood plain, any development will not negatively impact on the fluvial or tidal flood risk elsewhere.

9.10.9. The flood risk management strategy consists of locating highly vulnerable development including residential development away from flood risk and the lower lying area at the southern part of the site, raising all residential buildings and key access routes above the flood protection level of 3.5m AOD to prevent flooding risk to property and residents and to provide safe access and egress from and to the buildings. Block H which accommodates the proposed childcare facility is also indicated as raised above the flood protection level of 3.5m AOD as per Figure 5-3 in the FRA. Should raising of levels not be possible, mitigation measures such as demountable barriers and a water exclusion strategy are proposed for less vulnerable development (retail units); these mitigation measures ensure no negative flood impact within the site or surrounding environs. In this regard it is noted that some local roads, including those to the north and south of Block G have levels below 3.5M AOD to allow for maintenance of the exceedance flow path from Dwyer Park through the proposed linear park to the south of the site, facilitating re-entry of water to the River Dargle via six circular culverts, located under the flood defence walls (Figure 4-12 shows the flow path during an exceedance event). Emergency access and egress plans, as detailed in the Flood Emergency Management Plan (Appendix 7.2), will enable all persons within the housing blocks and retail units to evacuate to higher ground via access roads if necessary.

9.10.10. Table 6-1 of the FRA sets out the Justification Test for the proposed development given that it comprises highly and less vulnerable development partially within Flood Zone A. It concludes that the proposal satisfies the various requirements of the Justification Test.

9.10.11. The surface water drainage strategy (as detailed in the Stormwater Impact Assessment provided with the application) includes attenuating flows onsite prior to a controlled discharge to a new surface water network within the site and Sustainable Drainage Systems (SuDS). The new surface water sewer will discharge to the River Dargle at greenfield runoff rates. A portion of the proposed Phase 2 development will connect to the Phase 1 surface water drainage network. SuDS measures proposed within the development include swales to provide conveyance along roads and paths, permeable paving in parking bays and lightly trafficked areas to provide attenuation and infiltration to ground, extensive green roofs and intensive green courtyards on

suitable apartment buildings, a concrete underground tank within the flow path of exceedance events and with capacity for up to the 1 in 100 year event, filter drains in rear gardens and a pump to control stormwater flows.

9.10.12. The level of flood protection provided by the existing River Dargle Flood Defence Scheme is also deemed to mitigate the level of flood risk to people, property and the urban environment. This Scheme was a €46 million project completed in 2017 along the southern boundary of the subject site. The aim of project is to mitigate historic and future risks of fluvial flooding along the River Dargle through the widening and deepening of the river channel, and the construction of river walls and embankments over a 3 km stretch. The flood defence scheme is designed to withstand a 1 in 100 year (1% AEP) fluvial flood event, as well as the 'Hurricane Charlie' event peak (with an additional allowance for future adaptation to accommodate rising water levels due to climate change) and a 1 in 200 year (0.5%AEP) tidal flood event with climate change and freeboard allowances.

9.10.13. I note third parties and observers have raised concerns about flood risk and I would comment as follows:

- While I accept that flooding events previously occurred on the subject lands, the completion of the €46 million River Dargle Flood Defence Scheme in late 2017 has since protected the site from the risks of tidal and fluvial flooding. The flood defence scheme is designed to withstand a 1 in 100 year (1% AEP) fluvial flood event (as well as 'Hurricane Charlie') and a 1 in 200 year (0.5%AEP) tidal flood event with climate change and freeboard allowances. The defences include approximately 2km of structural walls and 2km of embankments as well as a culvert which was constructed alongside the Fran O'Toole Bridge on Main Street to allow for increased flow capacity beneath the bridge during high flows.
- The applicant's FRA confirms that flood defences are not taken into account when examining lands in the context of flood zones; it also notes that the site is within Flood Zones A and B.
- The applicant's FRA is site specific and detailed. It has considered the current Wicklow County Development Plan 2022-2028 and the Strategic Flood Risk Assessment (SFRA) prepared in support of the Bray Municipal District – Local Area Plan 2018-2024, and it has demonstrated that there would be no unacceptable

flood risk. A third party submission indicates that the Bray LAP 2018 SFRA is flawed however no evidence for this assertion is provided.

- Safe egress and evacuation routes are detailed in section 5 of the Flood Emergency Management Plan with Figure 5-1 clearly indicating egress directions. I would note however, that a key tenet of the flood risk management strategy consists of locating highly vulnerable residential development away from flood risk and raising all residential buildings and key access routes above the flood protection level of 3.5m AOD. This is aimed at preventing flood risk to property and residents and to provide safe access and egress from and to the buildings.
- The FRA notes that the proposed development will not increase flood risk elsewhere / outside of the site. The Justification Test in the FRA notes that the flood defence measures have been constructed to protect the site up to the historical Hurricane Charlie event in addition to the 1% AEP fluvial and 0.5% tidal events. It also notes that as the site does not currently provide flood compensatory storage and it is not within the functional floodplain, the development will have no negative impact on the fluvial or tidal flood risk elsewhere. I fully concur with this analysis.
- A third party considers that the hydraulic modelling does not incorporate climate adjusted projections. I note however that the SFRA prepared in support of the Wicklow County Development Plan, at Table 4-3 which relates to 'Recommended Finished Floor Levels' indicates that for defended fluvial and tidal scenarios, climate change allowance does not need to be included, provided the defence either includes climate change allowance directly or has been designed to be adaptive. The River Dargle Flood Defence Scheme has allowed for climate change within the design of the defences at the tidal reaches and adaptation/enhancement at the fluvial reaches; therefore, an additional climate change allowance has not been included in the setting of the flood protection level.
- I do not agree with the contention that development on the old Bray Golf Club lands would heighten exposure to flood impacts and would be contrary to emerging national requirements for climate resilience, insurance viability and public safety. The submitted FRA has demonstrated that there would be no unacceptable flood risk. A detailed Flood Emergency Management Plan is provided which notes there is a residual risk of flooding to Bray and the site from an exceedance event. In such

a scenario flooding of the defended site occurs largely due to overland flows from overtopping of upstream riverbanks of the Fran O'Toole Bridge at People's Park (Little Bray). The flow path from Little Bray enters the gate at Dwyer Park, with water storage at the lower southern part of the subject site (where the proposed linear park is located) and returns to the river via six culverts at the north-eastern part of the site. I also note that proposed vulnerable residential development and key access routes are above the flood protection level of 3.5m AOD.

- It is noted that Block E is located within Flood Zones A and B. This is a mixed use block with a public house and retail units at ground level and 109 apartments above. As detailed in the FRA residential development within the scheme is set above the flood protection level and as such I do not foresee that flooding would impact residents in proposed Block E.
- Each phase of the Sea Gardens Masterplan is distinct. Proposed Phase 2 development is subject to a site specific FRA and given the mixed-use nature of the proposed development in addition to the flood risk A and B zonings of the subject site, it is appropriate that the FRA included the Justification Test, which considered that development on the subject lands is appropriate and justified. I concur with the result of the Justification Test as it relates to the subject site and the proposed development.
- While I note references made to the planning merits or otherwise of a potential future Phase 3 mixed-use proposal on a nearby site, such development is not part of the Phase 2 application or appeals before the Commission and as such I am not in a position to comment on this ground of appeal.
- There is concern raised that it is unsafe to permit a childcare facility on Flood Zones A or B. The proposed childcare facility is located within Block H, which I note is not proposed on flood zones A or B according to Figure 5-2 of the FRA. As such I have no concerns regarding the proposed childcare facility in terms of flood risk.
- While a third party asserts that the Justification Test within the Bray Municipal District – Local Area Plan 2018-2024 is flawed and that the flood map is inaccurate, no detailed rationale supporting this assertion is provided. In my view the applicant's FRA provided with the planning application is detailed and comprehensive. Upon examination of the Justification Test for the subject site and

associated adjoining lands as outlined in the Bray Municipal District – Local Area Plan 2018-2024, I consider its conclusion is evidence based and appropriate.

- A third party / observer states that the Phase 2 public park is located on Flood Zone B lands and that it may be more appropriate to locate the park on lower lying Flood Zone A lands, enabling housing to be built on higher and less vulnerable areas of the site. Having examined mapping in the site specific FRA (Figures 5-1 and 5-2 refer) it is apparent that the proposed linear public park to the north of the River Dargle is within Flood Zone A. This is a water compatible use/ development and as such its location within Flood Zone A is appropriate.
- A third party / observer states that preservation and restoration of floodplains is an effective way to reduce flood risk and that dense development on the lands is against best practice. I note the subject lands are zoned in the Bray Municipal District – Local Area Plan 2018-2024 for mixed-use purposes and the site is not within the functional floodplain. Having regard to these factors and along with national, regional and local planning policies which are supportive of compact development on brownfield sites proximate to high capacity transport services, I consider that the proposed mixed-use development would be acceptable in principle subject to compliance with all appropriate planning and environmental requirements.
- I acknowledge that third parties state that the subject site has flooded on previous occasions. These instances however appear to have occurred prior to 2017 and in advance of completion of the flood defence works.

9.10.14. In relation to hydrology, there are two rivers in the vicinity of the proposed development, namely the Rathmicheal Stream (c 270m to the north) and the River Dargle c 10m from the site boundary. Bray Harbour is located c 50m to the southeast, while the site lies c 100m from the Irish Sea. There are 14 European Sites within the potential Zone of Influence (ZOI) of the proposed development. The nearest European Site is Bray Head SAC located c 1.7km to the south. The EIAR notes there is no viable hydrological connectivity to the qualifying interest (QI) terrestrial heath and cliff habitats of this SAC as they are terrestrial in nature. Further, the EIAR considers there is no direct or viable hydrological connectivity to the QI habitats of any other European Site within the potential ZOI of the development site.

9.10.15. In terms of surface water quality and WFD status the site is located within the Dargle WFD sub catchment of the Ovoca-Vartry WFD surface water catchment. Both the Rathmicheal Stream and the River Dargle have been assigned 'Good' water quality status by the EPA for the 2016-2021 monitoring period. Both surface watercourses are 'not at risk' of failing to meet the relevant WFD objectives for these waterbodies by 2027. The Irish Sea has been assigned 'High' coastal water quality status for the 2016-2021 monitoring period. Surface water sample results for the River Dargle, adjacent to and downstream of the proposed development, are set out in Table 7-1 of the EIAR, and were determined to be generally good. Total Coliforms (including Faecal Coliforms) and E.coli were detected at both surface water sample locations. Bray South Promenade achieved a Good Water Quality rating in 2021 and 2022 and an excellent rating in 2020 and 2024.

9.10.16. I note that the water quality status of the River Dargle and the Rathmicheal Stream have been updated by the EPA for the 2019-2024 monitoring period with each watercourse achieving 'Good' water quality status and considered 'Not at Risk' of failing to meet WFD objectives. The water quality status for the Southwestern Irish Sea – Killiney Bay (HA10) coastal waterbody for the 2019-2024 monitoring period is 'Good' and it is 'Not at Risk' of failing to meet WFD objectives.

9.10.17. The general vicinity of the site is within the Wicklow Groundwater Body. I note that, in terms of WFD status of groundwater underlying the site for the 2019-2024 monitoring period is indicated as 'Good,' by the EPA but considered to be 'At risk' of failing to meet WFD objectives. The EIAR notes that groundwater samples were obtained during Phase 1 and Phase 2 ground investigations. Laboratory analytical reports are presented in Appendix 6.1 of the Phase 2 samples. No detection of TPH, PAH, VOCs or Total Phenol concentrations were identified. Concentrations of dissolved arsenic exceeded the relevant Groundwater Regulation Value; however the source of these elevated concentrations is considered likely due to anthropogenic effects (i.e. onsite fertiliser application during the former use of the site as a golf course) and/or made ground/soils. However based on surface water results downstream no impacts in terms of arsenic are identified in the River Dargle. All other metals analysed were below the relevant Groundwater Regulation Values.

9.10.18. Based on the GSI public data viewer the bedrock aquifer (Maulin Formation) beneath the general vicinity of the site is classified as a locally important aquifer (LI) which is moderately productive only in local zones. Groundwater vulnerability in the bedrock aquifer is Low in the southern portion of the site and Moderate (M) in the northern portion of the site. Based on the geological setting of the receiving environment, there is no potential for karst features to be present beneath the site. Groundwater flow is expected to follow topography in general southerly and south easterly directions towards the River Dargle and to the Irish Sea. Shallow groundwater flowing beneath the proposed development is likely to discharge to the Dargle and the Irish Sea. Groundwater level monitoring results are detailed in Appendix 6.2.

9.10.19. In relation to relevant groundwater abstractions consisting of wells and springs in addition to designated drinking water protection zones, according to the GSI database, there are no group water scheme or public water supply abstraction points within the vicinity of the site. The GSI database indicates 7 no. wells and springs within the general vicinity of the site (See Table 7-3 of the EIAR). No groundwater abstraction wells or springs are known to be present within the site boundary.

9.10.20. In terms of geological heritage here are a number of Geological Heritage Areas (GHAs) in close proximity to the proposed development. Based on the nature of the proposed scheme, the designation criteria and locations of the GHAs, it is not considered that the proposed development would be likely to result in environmental effects on designated GHAs.

9.10.21. Likely significant effects of the development are summarised in Table 9.5 below.

Table 9.10.1: Summary of Potential Effects

<i>Project Phase</i>	<i>Potential Direct, Indirect and Cumulative Effects</i>
<i>Do Nothing</i>	In the absence of the proposed development the baseline water environment would remain unchanged. This 'do-nothing' scenario would result in neutral impacts with regards to hydrology and hydrogeology.
<i>Construction</i>	There is potential for degradation in groundwater and surface water quality arising from potential pollution caused by demolition and

	construction activities particularly during excavations across the site to facilitate the proposed development. The following impacts on surface water or groundwater quality could occur: • Proposed ground improvement works and subsequent placement of reusable surcharge fill pose a potential pollution risk. • Accidental spillages or leaks onsite in the vicinity of exposed groundwater or surface water could result in moderate adverse temporary impacts directly to groundwater receptors and slight adverse temporary impacts directly to surface water receptors (Dargle river) and to receiving coastal waters of Irish Sea. • General site activities associated with cement handling and pouring resulting in slight adverse temporary impacts directly to groundwater quality beneath the site and indirectly to surface water receptors (Dargle river) and to receiving coastal waters of Irish Sea. • Inadequate soil/stormwater management poses a risk of excess loadings of suspended solids to the River Dargle resulting in moderate adverse impacts to water quality in that watercourse or coastal water of Irish Sea. • Temporary dewatering during excavation in central and southern portions of the site (where shallow groundwater levels are likely) potentially resulting in excess loadings of suspended solids to a temporary discharge point (presumed to be an onsite soakaway). This could result in likely temporary slight adverse impacts directly to groundwater quality beneath the site but would not impact coastal/surface water bodies. • Installation of the surface water outfall on the River Dargle's flood defence wall / promenade could cause pollution with respect to water quality impacts which could affect the aquatic environment. • Temporary onsite gas and groundwater monitoring wells could provide a conduit for potential contamination of soils and bedrock through site construction activity, in particular spillages
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	and leakages fuel oils and paint, potentially resulting in moderate adverse impacts on groundwater quality beneath the site; any impacts are considered to be short-term and localised. Existing subsurface contaminants could pose a potential pollution risk. However based on ground investigation results and other data, potential for groundwater impacts via excavation and piling and subsequent mobilisation of any existing subsurface contaminants is negligible.
Operation	- Groundwater and surface water receptors could be at risk from occasional fuel/oil leaks along the access roads and paved areas. Volumes arising from such occurrences are likely to be minor and localised and given that the site is underlain by low permeability clay/estuarine silts, potential risk to shallow groundwater zone and underlying bedrock aquifer is negligible. Drainage design includes underground attenuation to slow and manage surface water drainage before final outfall to River Dargle. Given likely dilution effects the potential risk to River Dargle is negligible. - Groundwater and surface water receptors could be at risk of quality impacts in the unlikely event of an unplanned episode e.g. traffic collision, emergency fuel/oil spill, fire water arising from a property fire). These likelihood of such events are deemed to be low. Given that the site is underlain by low permeability clay/estuarine silts, and having regard to proposed surface water drainage design, potential risks to shallow groundwater zone, underlying bedrock aquifer and River Dargle is negligible and unlikely. - Groundwater and surface water receptors are at risk of contamination through site maintenance. Maintenance of residential units, commercial units, open spaces, hotel, car parking spaces, roads, paved areas and other infrastructure may result in small quantities of lubricant oils, fuel and chemicals being brought to the site. In the unlikely event of a spillage, slight adverse impacts directly to the groundwater receptors and to the water quality of the River Dargle (via groundwater migration)

	could occur. Mitigation measures would avoid such potential impacts
Cumulative	The results of the cumulative impact assessment for Water are presented in section 16.2.4 of the EIAR. This identifies relevant developments in the immediate environs of the proposed development which have been approved but are not yet built or operational and also considers relevant developments not yet approved but which could, if approved, have a cumulative effect with the proposed development. This includes all phases of the Sea Gardens Masterplan, including proposed Phase 3. The EIAR notes that there will be no likely significant effect when considered cumulatively with the relevant developments (as defined above).

Mitigation

9.10.22. Mitigation measures are outlined in Section 7.6. With regard to groundwater and surface water quality impacts they include, in terms of the construction phase, to decommission all onsite monitoring wells prior to commencement of development; to prepare an Outline Construction Surface Water Management Plan to ensure surface water quality is managed to prevent impacts on the River Dargle; to implement all mitigation measures for the protection of soils and geology (listed in Chapter 6 of the EIAR); to ensure existing drainage network will be suitably protected; to install the surface water outfall pipe on the River Dargle's flood defence wall using measures to ensure no adverse water quality impacts that could affect the aquatic environment; implementation of standard measures to prevent any surface water/groundwater impacts through the release of hydrocarbon / chemical contaminants; implementation of a response procedure to deal with accidental pollution events; implementation of specific measures to prevent surface/groundwater impacts through release of cementitious materials where poured concrete is being used on site; foul drainage from site offices/compounds to be directed to existing wastewater network or contained and disposed off-site appropriately; and no fuels, chemicals, oils or other hazardous material to be stored within any lower lying portions of the site specifically along the south due to flood risk. The above mitigation measures will be captured within the project specific CEMP to be in operation during the construction phase.

9.10.23. In terms of the operation phase and having regard to groundwater and surface water quality impacts, proposed mitigation measures include all plant and onsite equipment during maintenance works to be checked and in good working order; all mitigation measures listed in Chapter 6 for the protection of soils and geology will be implemented, including the installation of an appropriate ground gas membrane beneath Block H; any fuel/oil tanks temporarily stored on site will be located in a bunded area and all tanks will be double skinned and relevant maintenance contractors will be responsible for ensuring these measures are fully implemented; emergency spill measures to be implemented in the unlikely event of a fuel / oil / chemical spill or leak with the aim of limiting the volume spilled and recovering as much of the lost product as possible; and implementation of a maintenance programme for the proposed surface water drainage system. As detailed in the Stormwater Impact Assessment Report the proposed stormwater system is appropriately sized to cater for storm water flooding. The proposed stormwater underground attenuation tank in the open space area will facilitate storm water underground attenuation for storm events up to 100-year events plus climate change. There is capacity in the stormwater system to deal with storm events without increasing flood risk. No significant concerns regarding this proposal were raised by the planning authority and I consider this arrangement acceptable subject to condition, should the Commission decide to grant permission.

Monitoring

9.10.24. During both construction and operational phases maintenance programmes for the proposed surface water drainage system should be implemented in accordance with the Stormwater Impact Assessment Report.

Residual Impacts

9.10.25. The proposed development will not result in an adverse impact to the existing hydrological regime of the area. The proposal consist of 'highly and less vulnerable development' and partially lies in Flood Zone A. Both Development Plan and Justification Tests are passed. The submitted FRA demonstrates that risks relating to flooding can be managed and mitigated to acceptable levels.

9.10.26. Anticipated residual adverse impacts on surface water or groundwater will be short-term and slight adverse during demolition/construction phases, having regard to proposed mitigation measures. Similarly anticipated residual adverse impacts on

surface water or groundwater will be temporary and slight adverse, given the mitigation measures proposed during operational phase.

9.10.27. The proposal will not affect the current 'Good' surface water quality status of either the Rathmicheal Stream and the River Dargle and will not affect the 'High' coastal water quality status of the Irish Sea. Similarly the proposal will not affect the current 'Good' groundwater quality status of the Wicklow Groundwater Body.

9.10.28. In conclusion, taking account of proposed mitigation measures, no significant adverse effects are anticipated to occur with respect to the receiving water environment during the construction and operational phases of the proposed development. No significant adverse cumulative effects are anticipated to occur with respect to the receiving water environment. The results of the cumulative impact assessment identifies relevant developments in the immediate environs of the proposed development which have been approved but are not yet built or operational and also considers relevant developments not yet approved but which could, if approved, have a cumulative effect with the proposed development (including all phases of the Sea Gardens Masterplan). Having reviewed this information and given the proposed mitigation measures, I consider there is no potential for significant negative cumulative effects given the nature of permitted/proposed construction activity in the vicinity of the site.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.10.29. I have examined, analysed and evaluated the information provided in Chapter 7 and all the associated documents and submissions on file in respect of Water. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts.

Surface Water

9.10.30. There is potential for degradation in surface water quality (River Dargle and Irish Sea) arising from potential pollution caused by demolition and construction activities particularly during excavations across the site to facilitate the proposed development. A comprehensive range of mitigation measures are proposed to address potential pollution impacts including possible release of sediment laden run-off and run-off

contaminated with hydrocarbons, cement, etc. to surface water, and during operational phase surface water management and SuDS measures are proposed, which will slow and manage surface water drainage before final outfall to River Dargle, rendering the significance of likely effects negligible. I am satisfied that the proposed development would have no significant impact on surface water quality.

Groundwater

9.10.31. There is potential for degradation in groundwater quality (River Dargle and Irish Sea) arising from potential pollution caused by demolition and construction activities particularly during excavations across the site to facilitate the proposed development. A comprehensive range of mitigation measures are proposed to address potential pollution impacts including possible release / spillages of hydrocarbons, cement, and chemicals to groundwater, and during operational phase appropriate maintenance measures to prevent such occurrences and impacts are also proposed. I am satisfied that the proposed development would have no significant negative impact on groundwater.

Flooding

9.10.32. Having regard to the information submitted, including the FRA submitted, I consider that it has been demonstrated that risks relating to flooding can be managed and mitigated to acceptable levels and that the proposed development accords with the Flood Risk Guidelines (2009).

WFD Assessment

9.10.33. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended. The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include river/surface waterbody Dargle (IE_EA_10D010300)', currently classified as 'Good' (and 'Not at Risk'), and ground waterbody Wicklow (IE_EA_G_076) currently classified as 'Good' (and 'At Risk') on EPA mapping (2019-2024 WFD Status). Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Any residual risks are capable of being addressed through the proposed mitigation measures and implementation of a Construction Environmental Management Plan (CEMP). The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

It is noted that Uisce Éireann's (UÉ) wastewater capacity register (published in April 2026) states there is spare ('Green') capacity available at Shanganagh WWTP. Furthermore Shanganagh WWTP operates under licence issued by the EPA and UÉ is obliged to comply with the conditions of the licence. Based on the foregoing, I conclude that the proposed development would comply with the requirements of the Water Framework Directive.

Conclusion

9.10.34. Having regard to the examination of environmental information in respect of water, in particular the EIAR, the FRA and supplementary information provided by the applicant, and having regard to the information submitted in the appeal, I am satisfied that the main significant direct and indirect effects arising during the construction and operational phase of the development can be mitigated by the measures set out in Section 7.6 and the measures to be included in the final CEMP. Having reviewed the planning history in the area and examined the results of the cumulative impact assessment for Water as presented in Chapter 16 of the EIAR, I am satisfied that there is no potential for significant cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

9.11. Air Quality and Climate Change

Issues Raised

9.11.1. A third party considers that the hydraulic modelling does not incorporate climate adjusted projections. This issue is addressed in section 9.10.13 above, in the chapter relating to Water.

Examination of the EIAR

9.11.2. Context: Chapter 8 of the EIAR assesses the likely impacts of the proposed development in the context of air quality, while Chapter 9 addresses climate change. As these issues are interlinked I have addressed these chapters together.

9.11.3. Chapter 8 (Air Quality) addresses the potential impacts of the proposed development on air quality. The stated applicable standards in Ireland are set out in Directive (EU) 2024/2881 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe. This Directive sets out new air quality standards for pollutants to be reached by 2030 which are more closely aligned with the World Health Organisation (WHO) air quality guidelines. Prior to 2030 the air quality standards set out in EU Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe are still applicable. The applicable air quality limit values for the purposes of the assessment are outlined in Table 8-1 Air Quality Limit Values.

9.11.4. Chapter 9 (Climate Change) assesses the likely climate impacts associated with the proposed development. It quantifies the Greenhouse Gas (GHG) emissions from a project over its lifetime through Greenhouse Gas Emissions Assessment (GHGA). It also identifies the impact of a changing climate on a project and the receiving environment through Climate Change Risk Assessment (CCRA).

9.11.5. Baseline: (Air Quality) In terms of air monitoring and assessment, four Air Quality Zones were established as part of the implementation of the Air Quality Standards Regulations 2022. Dublin is designated as Zone A. The proposed development site is within Air Quality Zone C which consists of 23 towns with a population of greater than 15,000, however the site also borders Zone A (Dublin). This has been considered when estimating the background concentrations in the area. Long term monitoring data has been used to determine background concentrations for the key pollutants in the region of the proposed development; the background concentrations accounts for

all non-traffic derived emissions (e.g. natural sources, industry, home heating etc). Based on long term monitoring information the air quality in the suburban Zone C locations is generally good, with concentrations of key pollutants generally well below relevant limit values set out in Directive 2008/50/EC. Current pollutant concentrations are at the majority of monitoring sites also comply with the 2030 limit values outlined in Directive 2024/2881. However, the EPA has indicated that road transport emissions are contributing to increased levels of nitrogen dioxide (NO₂), with potential for breaches in the annual limit value in future years at locations within urban centres and roadside locations. In addition, burning of solid fuels for home heating is contributing to increased levels of particulate matter (PM₁₀ and PM_{2.5}) and the EPA predicts that exceedances in particulate matter limit values are likely in future years if burning of solid fuels for residential heating continues. The current estimated background concentrations are used in the operational phase air quality assessment for both the Opening and Design Year as a conservative approach to predict future pollutant concentrations, which is in line with TII methodology.

9.11.6. Baseline: (Climate Change) Climate change impacts are assessed at a national level and in relation to national targets and sectoral emission ceilings. Table 9-1 outlines 5-Year Carbon Budgets for 2021-2025, 2026-2030 and 2031-2035. Table 9-2 sets out the sectoral emission ceilings for 2030. Data published by the EPA in July 2024 indicates Ireland exceeded, without the use of flexibilities, its 2023 annual limit set under the EU's Effort Sharing Decision (ESD). In terms of the current CCRA Baseline the region of the proposed development has a temperate, oceanic climate, resulting in mild winters and cool summers. The Met Éireann weather station at Dublin Airport is the nearest, representative, weather and climate monitoring station to the proposed development with meteorological data recorded for the 30-year period from 1991 to 2020. Temperature data at this station for period 1900-2023 is set out at Figure 9-1 of the EIAR. Met Éireann's 2023 Climate Statement (Met Éireann, 2024b) states 2023's average shaded air temperature in Ireland is provisionally 11.2°C, which is 1.65°C above the 1961-1990 long-term average. 2023 also had above average rainfall, this included the warmest June on record and the wettest March and July on record.

Potential Effects

9.11.7. Likely significant effects of the proposed development are summarised in Table 9.11.6 below.

Table 9.11.6: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	(Air) In the absence of the proposed development no construction works would occur and the air quality baseline will continue to develop in line with current trends. Identified impacts of fugitive dust and particulate matter emissions would not occur at the subject site. The 'Do Nothing' scenario associated with the operational phase of development is considered to be direct, long-term, negative and slight, which is overall not significant. (Climate) In the absence of development the site will remain as per the baseline and will change in accordance with trends within the wider area.
Construction	(Air Quality) During the construction phase construction the greatest potential impact on air quality is from construction dust emissions and potential for nuisance dust. While construction dust tends to be deposited within 250 m of a construction site, the majority of the deposition occurs within the first 50 m (IAQM, 2024). Dust emissions will occur as a result of demolition works, earthworks, construction works and trackout (transport of material off-site) movements. Potential dust emission magnitude depends on the scale of works involved. An overall medium risk of dust soiling impacts for demolition works and earthworks is anticipated. An overall high risk of dust soiling impacts for construction works is anticipated. An overall low risk of dust soiling impacts for trackout works is anticipated. There is a negligible risk of dust related human health effects in terms of demolition works and trackout works. There is a low risk of dust related human health effects in terms of earthworks and construction works. Meteorological conditions such as rainfall, wind speed and wind direction affect dust dispersal and deposition. Dust generation is considered negligible on days where rainfall is greater than 0.2 mm. A review of historical 30-year average data for

	Dublin Airport meteorological station indicates that on average 200 days per year have rainfall over 0.2 mm (Met Éireann, 2024). Therefore, 54% of the time dust generation will be reduced due to natural meteorological conditions. The EIAR notes that construction stage traffic will not increase by 1,000 AADT, or 200 HDV AADT, and that the development will not result in speed changes or changes in road alignment, and therefore, the traffic does not meet the scoping criteria set out in TII guidance Air Quality Assessment of Specified Infrastructure Projects – PE-ENV-01106 (TII, 2022) which recommends a local air quality assessment. (Climate Change) The most significant proportion of GHG emissions tend to occur during the construction phase as a result of embodied carbon in construction materials and emissions from construction activities. Embodied carbon of materials used in the construction of the development along with site activities will impact climate. GHG emissions associated with the construction materials make up the majority (78%) of the total GHG emissions for the project. Other elements of the proposed development such as material transport, site clearance and demolition site activities, and construction site material waste also result in a carbon impact. The estimated total GHG emissions associated with the proposed development, when annualised over the 50 year proposed development lifespan are equivalent to 0.0014% of Irelands total GHG emissions in 2023 and 0.003% of Ireland’s non-ETS 2030 emissions target. The screening CCRA (Section 9.5.2 refers) did not identify any residual medium or high risks to the proposed development as a result of climate change. The proposed development is predicted to have at most low vulnerabilities to the various climate hazards and therefore climate change risk is considered ‘direct, long-term, negative and slight,’ which is considered overall not significant.
Operation	(Air Quality) Engine emissions from vehicles accessing the site have the potential to impact air quality during the operational phase of the development through the release of nitrogen dioxide (NO₂) and

	particulate matter (as PM10 and PM2.5). TII guidance PE-ENV-01106 details a methodology for determining air quality impact significance criteria for TII road schemes and infrastructure projects however, the significance criteria can be applied to any development that causes a change in traffic. The potential impact of the proposed development on ambient air quality and human health in the operational stage when compared to the EU limit values is considered long-term, direct, localised, negative, slight and non-significant in EIA terms. Potential ground gas issue due to elevated levels of carbon dioxide within one localised area, deemed to be at 'low risk' in the western portion of the site, in the vicinity of proposed Block H. This could result in a moderate negative and permanent impact. (Climate Change) There is potential for increased traffic volumes to impact climate during the operational phase of the development through the release of CO2. Operational phase traffic emissions of CO2 are not predicted to be significant due to the low level changes in traffic associated with the proposed development. The proposed development is predicted to have at most low vulnerabilities to the various climate hazards and therefore climate change risk is considered 'direct, long-term, negative and slight', which is considered overall not significant.
Cumulative	(Air Quality) Cumulative construction dust impacts may occur if other large-scale developments within 500m of the site are under construction simultaneously. There is potential for the construction phase of the proposed development to coincide with that of the permitted Phase 1 development (PA Ref.202206), the sustainable transport bridge project (Ref. 21869) and the potential Phase 3 development in the Sea Gardens Masterplan. Dust mitigation measures (detailed in section 8.8.1) will however be implemented during the construction phase and will avoid significant cumulative impacts on air quality. With appropriate mitigation measures in place, impacts on air quality associated with the construction phase

	of the proposed development will be short-term, direct, negative and not significant. During operational stage there is potential for cumulative impacts to air quality arising from increased traffic associated with other existing and permitted developments in the area. Traffic data provided for the operational stage air quality assessment included specific cumulative developments in the area including permitted Phase 1 development and potential Phase 3 development. Operational phase impact was found to have a slight impact on air quality as per the TII significance criteria (Table 8-3 refers). The operational stage impact is long-term, localised, direct, negative and slight which is overall not significant. (Climate) GHG Assessment is the global climate and impacts on the receptor from a project are not geographically constrained, the normal approach for cumulative assessment in EIA is not considered applicable. The traffic data used for the operational phase assessment included cumulative traffic from existing and permitted developments in the surrounding area and the full masterplan development. The EIAR deems the cumulative impact of the proposed development in relation to GHG emissions, 'direct, long term, negative and slight', which is overall not significant in EIA terms.
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Mitigation

9.11.8. (Air Quality) Section 8.7 of the EIAR sets out mitigation measures for emissions to air including locating machinery and dust generating activities away from sensitive receptors; erection of solid screens or barriers around dusty activities or the site boundaries; removal of materials that have potential to produce dust from the site as soon as possible; cover, seed or fence stockpiles; ensure an adequate water supply on site for effective dust/particulate matter suppression/mitigation and use enclosed chutes and conveyors and covered skips. Stakeholder and community engagement, operating vehicles / machinery and measures specific to demolition, construction, earthworks and trackout are identified. It is also proposed monitor dust during daily

on-site and off-site inspections and this can be undertaken using the Bergerhoff method. No site specific mitigation measures are proposed for the operational phase of development, as impacts are predicted to be not significant.

9.11.9. As detailed in Chapter 6 a mitigation measure through the installation of an appropriate ground gas membrane beneath Block H is proposed to ensure that potential moderate negative permanent impacts arising from elevated carbon dioxide levels do not occur during the operational phase.

9.11.10. (Climate Change) Section 9.7 of the EIAR sets out mitigation measures in respect of carbon emissions. Construction phase mitigation measures includes avoidance of vehicles idling at the site, well-maintained plant and machinery, minimising wastage of materials, sourcing materials locally, and implementation of site risk assessments and method statements. In terms of operational stage mitigation the proposed development will be a Nearly Zero Energy Building (NZEB) as per the prepared Climate Action and Energy Statement. Residential units and commercial buildings aim to achieve a BER rate of A3. Monitoring is not considered to be required.

Residual Impacts

9.11.11. (Air Quality) Provided dust minimisation measures are adhered to, the predicted residual air quality impacts during the construction phase are short-term, direct, negative, localised and not significant. Impact to air quality as a result of increased traffic volumes during the operational stage will be localised, direct, long-term, negative and slight for the opening year, which is overall not significant in EIA terms. Ireland will however need to develop measures to ensure continuing improvements in air quality in the future in order to meet the objectives of the Clean Air Strategy for Ireland (Government of Ireland, 2023) and to ensure the ambient air quality limit values set out in Directive 2024/2881 are achieved.

9.11.12. (Climate Change) Residual impacts on climate in relation to GHG emissions is considered direct, long-term, negative and slight, which is overall not significant in EIA terms. In relation to climate change vulnerability, it has been assessed that there are no significant risks to the proposed development as a result of climate change. The residual effect of climate change on the proposed development is considered direct, long-term, negative and imperceptible, which is overall not significant in EIA terms.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.11.13. I have examined, analysed and evaluated the information provided in Chapter 8 (Air Quality) and Chapter 9 (Climate Change) and all the associated documents on file in respect of air and climate. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts generated by the proposed development and provides a suitable range of mitigation and monitoring measures.
- 9.11.14. (Air Quality) During the construction and demolition phase, dust emissions have the potential to impact air quality. Sources of dust emission arise from demolition works, earthworks, construction works and track-out. Having regard to the information submitted which is robust and evidence based and subject to the implementation of mitigation measures to suppress dust, I am satisfied that the impact of fugitive dust on sensitive receptors is not significant. I consider the proposed mitigation measures to address the potential for significant impacts on air. Mitigation measures to address vehicle emissions at operational phase are not deemed to be necessary given that impacts are not considered to be significant.
- 9.11.15. (Climate) The estimated total GHG emissions associated with the proposed development, when annualised over the 50 year proposed development lifespan are equivalent to 0.0014% of Ireland's total GHG emissions in 2023 and 0.003% of Ireland's non-ETS 2030 emissions target. Subject to the mitigation measures I am satisfied that the proposed development would not give rise to significant emissions.

Conclusion

- 9.11.16. Having regard to the examination of environmental information in respect of air quality and climate, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on air and climate generated by the proposed project and provides a suitably comprehensive range of mitigation measures to reduce any potential impacts to non-significant levels.
- 9.11.17. In terms of air quality, while there is potential for the construction phase of the proposed development to coincide with that of other permitted development, including

the sustainable transport bridge project, Phase 1 and the potential Phase 3 developments of the Sea Gardens Masterplan, with appropriate mitigation measures in place, impacts on air quality associated with the construction phase of the proposed development will be short-term, direct, negative and not significant. Similarly at operational stage while there is potential for cumulative impacts to air quality arising from increased traffic associated with other developments in the area, the impact was found to have a slight impact on air quality. The operational stage impact is long-term, localised, direct, negative and slight which is overall not significant. It is noteworthy that traffic data provided for the operational stage air quality assessment included specific cumulative developments in the area including permitted Phase 1 development and potential Phase 3 development.

9.11.18. In terms of climate change vulnerability, it has been assessed that there are no significant risks to the proposed development as a result of climate change. The EIAR deems the cumulative impact of the proposed development in relation to GHG emissions, 'direct, long term, negative and slight', which is overall not significant in EIA terms.

9.12. **Noise and Vibration**

Issues Raised

9.12.1. Concerns are raised in relation to disturbance impacts on species arising from noise and vibration, particularly during the construction period. This matter is considered in Chapter 5 'Biodiversity.'

Examination of the EIAR

9.12.2. Context: Chapter 10 of the EIAR assesses the likely impacts of the proposed development in terms of noise and vibration. The chapter outlines the methodology used, sources of information and assessment criteria. Noise and vibration is considered in the context of the outward effect of the development on its surrounding environment and also in the context of potential inward noise impacts to the proposed development. In the absence of published statutory Irish guidance relating to the maximum permissible noise and vibration levels that may be generated during the construction phase of the project, British Standard *BS 5228:2009+A1:2014: Code of*

Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 and 2 with respect to controlling noise and vibration impacts is referenced. The approach taken in the assessment is based on the designation of a Noise Sensitive Location (NSL) into a specific category (A, B or C) based on existing ambient noise levels in the absence of construction noise and the setting of a Construction Noise Threshold (CNT) value that, if exceeded, indicates a potential significant noise impact associated with construction activities. Note that in accordance with the BS5228 guidance, this assessment criterion is only applicable to residential receptors. In terms of vibration, *BS 5228:2009+A1:2014: Vibration* recommends that for soundly constructed residential property and similar structures in good repair, a threshold for minor or cosmetic (non-structural) damage should be taken as a peak particle velocity (PPV), noting that below 12.5mm/s PPV, the risk of damage tends to zero. Table 10-2 sets out vibration thresholds during construction.

- 9.12.3. Baseline: Noise monitoring has been undertaken at the development site in order to characterise the existing noise environment. 4 no. Noise Sensitive Locations (NSLs) were surveyed (see Figure 10-1) and these consist of Phase 1 development to the north of the site (NSL1), Coláiste Ráithín Secondary School to the north of the site (NSL2), Saint John of God Community Services to the northwest of the site (NSL3) and residential and commercial properties to the west of the site (NSL4). The prevailing noise levels are typically dominated by train movements; some distant road traffic is also audible.
- 9.12.4. An environmental noise survey was conducted at the subject site as part of the assessment in order to quantify the existing noise environment. The survey was conducted in general accordance with ISO 1996:2017: Acoustics – Description, measurement and assessment of environmental noise. Noise monitoring/measurement locations are outlined in Figure 10-3 and included one vibration location to the east of the site adjacent to the rail line. Noise survey results are set out in Tables 10-7, 10-8 and 10-9, while vibration results are detailed in Table 10-10.
- 9.12.5. Table 10-11 predicts construction noise levels (arising from usage of a variety of plant items such as excavators, lifting equipment, dumper trucks, compressors and

generators) at distances of 10m, 20m, 30m and 45m, with a standard 2.4m hoarding surrounding the site. Predicted impacts are outlined as follows:

- When construction works are within 30m of the receptors, it is expected that a potentially moderate to significant impact will occur. This is anticipated to impact NSL1 (only if completed and operational during the construction stage) and NSL4 (rear of dwellings on Dwyer Park) during periods when work is closest to the adjoining boundary.
- At distances greater than 45m from identified receptors, no significant noise effects are anticipated from the site during the construction phase. It is stated that the vast majority of construction works will be undertaken at distances greater than 30m and 45m from the closest receptors.

9.12.6. In terms of vibration, the main potential vibration source is associated with piling and excavation works during the construction phase. Vibration levels at the nearest receptors are not expected to pose any significance in terms of cosmetic or structural damage. Vibration has potential to be perceptible during periods where work is closest to the receptor locations however the EIAR considers that it is not expected to cause a significant impact, with the resultant effect stated to be negative, not significant and temporary. Notwithstanding, I note the Technical Note of the ACP Ecologist Noise and vibration impacts from the piling of foundations of Blocks E, H and I could potentially impact Harbour porpoise, an ex-situ QI of Rockabill to Dalkey Island SAC and other marine and coastal mammals. While the EIAR deals with noise and vibration and piling, there is conflicting information in terms of depth of piling and no information on the number of piles to be installed during the construction period. The Technical Note of the ACP Ecologist notes that as the specific type of piling method and number of piles to be installed are not presented in the application documents, and that only bored piling methods should be used on the basis that at 100m from the source, noise levels are expected to be in the region of 56 dB, approaching local daytime ambient noise levels. Therefore, significant effects from disturbance and displacement of coastal and marine mammals are unlikely from this type of piling. Should permission be granted, I recommend inclusion of a condition to this effect.

- 9.12.7. Potential noise impacts during operation phase relate to additional vehicular traffic on public roads, operation of mechanical and electrical plant to serve the development and breakout noise from activity in the event room associated with the proposed hotel. In terms of additional vehicular traffic on existing roads and junctions within and outside of the development, traffic flow data in terms of the annual average daily traffic (AADT) is assessed with the calculated change in noise levels summarised in Tables 10-12 to 10-14 inclusive. The assessment indicates that a significant noise impact may occur at Junction 1 Arm C due to a change in noise level. Junction 1 refers to the Ravenswell North / Ravenswell South / Harbour Road priority junction. Table 12-7 identifies the key junctions for the junction survey undertaken, with locations of key junctions depicted in Figure 12-3. All other assessed junctions indicate noise impacts will be imperceptible to slight and not significant. In terms of Junction 1, Arm C a more detailed calculation is undertaken to predict road traffic noise at receptor locations near this junction. Sound Exposure Level (SEL) can be used to calculate the contribution of an event or series of events to the overall noise level in a given period. The assumed mean value of SEL for cars and HGV's is in the order of 73 dB LAX and 88 dB LAX respectively at a distance of 5m. The resultant noise level calculated for receptors close to Junction 1, Arm C is 54dB. While the change in noise level is significant, the overall noise level from the junction remains typical given its urban context and the local noise environment. Overall a negative, not significant to slight, long-term effect is calculated.
- 9.12.8. I note that the first planner's report suggests that there appears to be an error in the text stating the following: *Noise impact during operational phase from traffic increases will give rise to increase in noise level Junction 6 – Arm C (note appears some error in written text referencing Junction 1).* Junction 6 is given in Table 12-7 as Dublin Road West / Shopping Centre Access / Dublin Road East / Dwyer Park. Based on the calculated change in noise levels summarised in Tables 10-12 to 10-14 inclusive as outlined in the EIAR it is apparent that the significant noise impact may occur at Junction 1 Arm C and not Junction 6 Arm C. I also note the typographical error in this regard within the final paragraph of section 10.5.1 of the EIAR which refers to the resultant noise level calculated for receptors 'close to Junction 6 Arm C is 54 dB.' This should read Junction 1 Arm C having regard to the aforementioned tables.

9.12.9. Items of plant used at operational stage will be designed and located so that there is no negative impact on sensitive receivers within the development itself or on nearby sensitive receivers. Cumulative operational noise level from building services plant at the nearest sensitive noise sensitive locations outside the development will be designed/attenuated to meet the relevant BS 4142 noise criteria for day and night time periods (Table 10-15 refers). When plant noise is controlled to these levels the effect is calculated to be negative, not significant and long term. In relation to event room breakout noise, it is noted that at this stage it is not possible to predict the level of noise break out from potential sources within the proposed development. Such noise will need to be controlled to a level some 10 dB below prevailing ambient noise levels. When local infrastructure is sufficiently developed so that a more representative picture of the future noise environment within the development itself occurs, it is recommended that an additional noise survey is undertaken to calculate appropriate noise thresholds.

9.12.10. Potential for inward noise effect on the proposed development is assessed by reference to Professional Practice Guidance on Planning and Noise (ProPG), BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings (BSI), and the local and national Noise Action Plans for the area. Figure 10-5 identifies facades requiring enhanced acoustic specification and with implementation of these measures it is expected that the impact will be neutral, not significant and permanent. In terms of inward vibration, the assessment indicates that impacts will be negative, not significant and long term.

Potential Effects

9.12.11. Likely significant effects of the development are summarised in Table 9.12.1 below.

Table 9.12.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development noise levels at the site will remain as per the baseline. This scenario is therefore considered to have a neutral impact.
Construction	During the construction phase, site activities arising from usage of a variety of plant items such as excavators, lifting equipment, dumper

	trucks, compressors and generators will result in potential noise impacts on the surrounding environment including the identified NSLs. In terms of vibration, the main potential vibration source is associated with piling and excavation works. The EIAR states that vibration levels at the nearest receptors are not expected to pose any significance in terms of cosmetic or structural damage. Vibration has potential to be perceptible during periods where work is closest to the receptor locations however it is not expected to cause a significant impact. The resultant effect is stated as negative, not significant and temporary.
Operation	The predominant noise impact during operational stage relates to additional vehicular traffic on existing roads and junctions within and outside of the development. Assessment indicates that a significant noise impact may occur at Junction 1, Arm C due to a change in noise level. All other assessed junctions indicate noise impacts will be imperceptible to slight and not significant. In terms of Junction 1, Arm C, Sound Exposure Level (SEL) is used to calculate the contribution of an event or series of events to the overall noise level in a given period. The assumed mean value of SEL for vans and HGV's is in the order of 73 dB LAX and 88 dB LAX respectively at a distance of 5m. The resultant noise level calculated for receptors close to Junction 1, Arm C is 54 dB. The change in noise level is significant, however the overall noise level from the junction remains typical given its urban context and the local noise environment. Overall a negative, not significant to slight, long-term effect is calculated. Items of plant used at operational stage will be designed and located so that there is no negative impact on sensitive receivers within the development itself or on nearby sensitive receivers. Cumulative operational noise level from building services plant at the nearest sensitive noise sensitive locations outside the development will be designed/attenuated to meet the relevant BS 4142 noise criteria for day and night time periods. When plant noise is controlled to these

	levels the effect is calculated to be negative, not significant and long term. It is not possible to predict the level of noise break out from potential sources within the proposed development. Such noise from the event room in the proposed hotel will need to be controlled to a level some 10 dB below prevailing ambient noise levels. It is recommended that an additional noise survey is undertaken to calculate appropriate noise thresholds in this regard when local infrastructure is sufficiently developed to facilitate a more representative picture of the future noise environment within the development. There is potential for inward noise effect on the proposed development particularly from the train line running to the east of the site. A need for enhanced acoustic specification to specific facades is identified and upon implementation of appropriate measures it is expected that the impact will be neutral, not significant and permanent. In terms of inward vibration, the assessment indicates that impacts will be negative, not significant and long term.
Cumulative	Traffic data used to assess operational stage impacts from noise and vibration included the cumulative traffic data associated with the proposed development as well as other existing and permitted developments in the local area where such information was available. In terms of construction noise, construction works for other Masterplan phases may be ongoing at adjacent site simultaneous to this project. As such elevated construction noise emissions are likely to occur to receptor locations equidistant to both sites. Cumulative impacts will need to be considered and managed during construction phase. It is recommended that liaison between construction sites to be on-going during construction phase. Construction of the proposed Bray sustainable transport bridge has some potential to cause cumulative impacts. However given the location of the subject site, sensitive receptors, and the proposed

	bridge, it is anticipated that the construction phase of the subject proposed development would be dominant in terms of construction noise impacting the identified sensitive receptors. The proposed bridge is therefore unlikely to have any significant impact on the receptors. All other known proposed or permitted developments are in excess of 300m from the proposed development and as such will not cause a cumulative noise or vibration impact.
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Mitigation

9.12.12. Mitigation measures are set out in section 10.7 of the EIAR. In terms of construction activities, best practice control measures within BS 5228 (2009+A1 2014) Code of Practice for Noise and Vibration Control on Construction Sites Parts 1 and 2 will be used to control noise and vibration impacts. Other noise-related mitigation methods include proper maintenance of plant, all vehicles and plant to be fitted with effective exhaust silencers and maintained in good working order, limiting hours during which site activities are likely to create high levels of noise and vibration, erection of good quality site hoarding, erection of barriers as necessary around items such as generators or high duty compressors and locate noisy plant far away from sensitive receptors. I note the Technical Report of the ACP Ecologist stating that noise and vibration impacts from the piling of foundations of Blocks E, H and I could potentially impact Harbour porpoise, an ex-situ QI of Rockabill to Dalkey Island SAC and other marine and coastal mammals. While the EIAR deals with noise and vibration and piling, there is conflicting information in terms of depth of piling and no information on the number of piles to be installed during the construction period. The ACP Ecologist's Technical Note considers that as the specific type of piling method and number of piles to be installed are not presented in the application documents, only bored piling methods should be used on the basis that at 100m from the source, noise levels are expected to be in the region of 56 dB, approaching local daytime ambient noise levels. Therefore, significant effects from disturbance and displacement of coastal and marine mammals are unlikely from this type of piling. Should permission be granted, I recommend inclusion of a condition to this effect.

9.12.13. In terms of mitigation during operational stage, enclosures, silencers and anti-vibration mounts will be used as appropriate in relation to plant items. In terms of event breakout noise, a noise survey is recommended when future infrastructure is developed to facilitate appropriate noise thresholds to be set for event noise, in addition to design of appropriate noise control measures for the event room in the hotel. In terms of inward noise during operational stage facades highlighted in Figure 10-5 will be provided with upgraded acoustic glazing and ventilation that achieves the minimum sound insulation performance as set out in Tables 10-8 and 10-9.

Residual Impacts

9.12.14. In terms of Construction Noise, when works are undertaken within 30m of receptors it is predicted that a negative, temporary and potentially significant impact will occur. This is a worst case scenario where all items of plant are in operation within 30m of the identified receptors. When construction works are undertaken at a distance of 45m or more from receptors the impact is predicted as negative, short-term and slight to moderate. Construction vibration impacts are given as negative, not significant and temporary. In relation to additional vehicular traffic, the predicted impacts for Junction 1, Arm C, are neutral, not significant to slight and long term. Effects at all other routes are given as neutral, imperceptible to slight and long term. Predicted impacts from Mechanical and Electrical Plant are stated as negative, not significant, and long term. In terms of Inward Noise Assessment the impacts are predicted as neutral, not significant and long term.

Monitoring

9.12.15. There is a requirement to ensure that construction activities operate within the noise and vibration limits as set out in the EIAR and also to undertake regular noise and vibration monitoring at locations representative of the NSLs.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.12.16. I have examined, analysed and evaluated the information provided in Chapter 10 and all the associated documents in respect of Noise and Vibration. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts generated by the proposed development and provides a suitable range of mitigation and monitoring measures.

Noise

9.12.17. Predicted noise levels for construction activities are detailed in Table 10-11. When construction works are within 30m of the receptors, it is expected that a potentially moderate to significant impact will occur. This is anticipated to impact NSL1 (only if completed and operational during the construction stage) and NSL4 (rear of dwellings on Dwyer Park) during periods when work is closest to the adjoining boundary. When construction works are undertaken at a distance of 45m or more from receptors the impact is predicted as negative, short-term and slight to moderate. In terms of noise generated at operational stage, the predominant sources relate to predicted impacts for Junction 1 Ravenswell North / Ravenswell South / Harbour Road, Arm C assessed as neutral, not significant to slight and long term, while predicted impacts from Mechanical and Electrical Plant are stated as negative, not significant, and long term.

Vibration

9.12.18. During construction phase, vibration levels at the nearest receptors are not expected to pose any significance in terms of cosmetic or structural damage. Vibration has potential to be perceptible during periods where work is closest to receptor locations however it is not expected to cause a significant impact. The overall resultant effect is negative, not significant and temporary. No significant vibration is anticipated at operational stage.

Comments on third party submissions

9.12.19. Phase 3 of the Sea Gardens Masterplan indicates construction of mixed-use blocks at the northern side of the River Dargle. It is clear that the proposal before the Commission relates to Phase 2 development and I note at the time of writing that no application for Phase 3 development has been made to the planning authority. The land to accommodate potential Phase 3 development as outlined in the Masterplan has been included in the red line boundary of the current application for Phase 2 development to allow for temporary use during construction for storing materials and site facilities. Chapter 16 of the EIAR relates to cumulative impacts and I note that the future proposed Phase 3 lands have been included in a number of the technical chapters. Matters relating to noise and lighting impacts from potential Phase 3

development would be expected to be examined in the content of any future planning application for Phase 3.

Conclusion

9.12.20. Having regard to the examination of environmental information in respect of Noise and Vibration, in particular the EIAR, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on noise and vibration generated by the proposed project and provides a suitably comprehensive range of mitigation measures in Section 10.7.

9.12.21. Having reviewed the planning history in the vicinity and noting that another phase of the Sea Gardens Masterplan may be under construction simultaneously it is the case that there is potential for significant cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site. Section 16.2.7 of the EIAR outlines measures to consider and manage cumulative impacts during the construction phase including that liaison between both construction sites occur throughout the duration of the construction phase and that contractors should schedule work in a cooperative effort to limit the duration and magnitude of potential cumulative impacts on nearby sensitive receptors. I recommend that a condition in that context be attached, should the Commission decide to grant permission for the proposed development.

9.13. Landscape and Visual *Issues Raised*

9.13.1. Concerns are raised that Block E is of excessive height, would be visually intrusive and negatively impact the visual amenity of the area. These concerns are considered in section 8.4 of this Inspector's Report.

9.13.2. Context: Chapter 11 of the EIAR addresses landscape and visual. A Landscape and Visual Impact Assessment (LVIA) has been submitted to facilitate an evaluation of how the proposed development will affect the landscape/townscape and the potential visual effects of the proposal by identifying a number of key viewpoints in the site's receiving environment. This chapter is supported by Verified Views at Appendix 11.1. The LVIA includes an analysis of particular areas and associated viewpoints. I have already

considered this assessment in section 8.4 of this report. Based on a detailed review of policy and designations, the townscape sensitivity of the receiving environment is classified as ‘medium,’ while the magnitude of townscape change that would result from the development would be ‘high.’

9.13.3. **Baseline:** Bray is a large town with a population of 33,500 in 2023. It is characterised by distinctive natural features including the coastline, Bray Head and the Little Sugarloaf and the Dargle River which flows immediately north of the proposed development. The appeal site is located to the north of Bray town centre on part of the lands which were occupied by the former Bray Golf Course. Remnants of the golf course remain in the form of tree lines. The lands have been disturbed by preparatory works for the area’s redevelopment. Earlier phases of development are evident on lands to the north.

Potential Effects

9.13.4. Likely significant effects of the development are summarised in Table 9.13.1 below.

Table 9.13.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development: • No landscape/townscape disturbance and no negative visual effects caused by construction activity on the site. • Remaining parts of former Bray Golf Club would remain disused and free of built form and featuring a large number of mature trees. • Phase 1 development to the north and the Ravenswell school campus would remain separate/segregated from the central urban area of Bray to the south. • The planned introduction of high density, mixed use quarter to Bray adjacent to the town centre would not be realised. As such there would be no expansion of the town centre retail/commercial area, and no network of public open space / streets/paths across the lands.

	• The eastern stretch of the River Dargle would remain a peripheral element of the townscape of Bray, not fully realising its potential as a town centre green-blue corridor and spine of development and activity. • A landmark building to denote the planned new high density mixed use corridor would not be introduced to the landscape. As such the quarter would either not be visible or would not be sufficiently prominent/identifiable in views from other parts of the town, and would not be tied-in visually to the existing town.
Construction	During the 48 month construction period the site and immediate environs would be disturbed by construction activities including erection of hoarding, site clearance and levelling, haulage and storage of materials, general construction activity, operation of cranes and development of buildings on the site. Construction is inherently disturbing the landscape/townscape and is unsightly. However the construction phase is temporary and construction is a normal and necessary activity in an urban setting. Significance of townscape effects during construction is 'moderate negative.'
Operation	Measuring the 'high' magnitude of change against the 'medium' sensitivity of the receiving environment, the significance of the townscape effects during operation would be 'significant.' Townscape effects can be classified as 'significant positive' for the following reasons: - The proposed layout is an appropriate response to the natural and built elements of the surrounding townscape; - The proposed arrangement of uses (including variations in intensity/density of use) responds appropriately to the surrounding townscape. - The proposed arrangement of built form/height, including the location of landmark building Block E, is an appropriate response to the sensitivities and opportunities inherent in the surrounding landscape;

	- The architectural design responds appropriately to the context, reflecting Bray's historic architecture and seaside resort character in a high density quarter. - Proposed open space (private, communal and public) and streetscapes complement buildings and mix of uses creating an attractive mixed use town centre quarter.
Cumulative	The assessment of potential townscape and visual effects in sections 11.4 and 11.5 of the EIAR took account of the following permitted developments in the area: ABP-314686-22: Phase 1 of Sea Gardens (See Planning History in section 5 of this report). WCC Reg. Ref. 22188: 2 apartment buildings up to 6 storeys tall to the south of the site across the River Dargle on Wilton Road, Bray. WCC Reg. Ref. 22203: Change of use of former warehouse to residential use and construction of two storey building containing 4 apartments, at Dwyer Park, Bray. The townscape and visual effects of the proposed development would combine with the effects of these aforementioned permitted developments to have more significant effects than the proposed development on its own. Since these projects are already permitted they were considered as part of the baseline receiving environment for the purpose of the assessment. For the most part, the predicted cumulative effects would result largely from the proposed development, with the effects of the neighbouring projects being secondary. Whenever the proposed development and the permitted neighbouring projects would combine to have cumulative townscape and visual effects, their effects would be mutually positive on the basis that the developments would provide favourable/complementary context for each other. It is considered that the three remaining projects comprise smaller buildings than the proposed development –

	specifically landmark Block E – to respond to the scale and character of the surrounding townscape. Appendix 11 of the EIAR consists of visuals and photomontages which depict the proposed development alongside existing and permitted development.
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Mitigation

- 9.13.5. The only effective mitigation for the landscape/visual effects of construction is erection and proper maintenance of site hoarding, which is effective only for ground level activity. When buildings under construction rise above ground level they are exposed and unsightly, however such impacts are unavoidable. Best practice site management is also recommended for the construction phase including tree protection measures as referenced in the *Tree Survey and Planning Report* submitted.
- 9.13.6. No mitigation measures are recommended for the operation phase of the proposed development. Due to the nature, large scale and location of the proposed development, potential townscape effects are classified as ‘significant’, and the significance of visual effects have been classified as ‘moderate’ or ‘significant’ for 23 out of the 42 viewpoints. It is stated that significant effects are intended with Block E deliberately positioned at a very prominent location. Other buildings including Block G and more modestly scaled houses and duplexes would also give rise to significant effects in some views, although such effects would be more local. The proposed buildings are however of high design and material quality. No negative townscape or visual effects have been identified, with all predicted effects either neutral or positive.

Residual Impacts

- 9.13.7. Since no mitigation measures are recommended for townscape impacts or visual impacts, the residual impacts are the same as the potential impacts described in Sections 11.4 and 11.5 of the EIAR.

Monitoring

9.13.8. No monitoring of townscape or visual effects is deemed to be required other than monitoring the health of retained trees on the site during construction and for a period post construction.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.13.9. The LVIA examines the impact of the proposed development on the receiving landscape from 42 no. publicly accessible receptors at locations across Bray. I consider the receptor locations to be representative. Based on my assessment of the LVIA and Verified Views (see Section 8.4 above) I am satisfied that the proposed development, including Block E, would not have any unacceptable impacts on the visual amenity of the area.

Conclusion

9.13.10. Having regard to the examination of environmental information in respect of Landscape and Visual Impact, in particular the EIAR, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the visual impact of the proposal on the receiving landscape generated by the proposed project. Due to the nature, large scale and location of the proposed development, potential townscape effects are classified as 'significant', and the significance of visual effects have been classified as 'moderate' or 'significant' for 23 out of the 42 viewpoints. I consider the proposed buildings to be of high design and material quality and I note that no negative townscape or visual effects have been identified, with all predicted effects either neutral or positive. To conclude, I consider that the proposed development including Block E, the marker building, would not give rise to any unacceptable impacts on the visual amenity of the area.

9.14. Traffic

Issues Raised

9.14.1. There are concerns from third parties that the proposed development would lead to increased traffic congestion and that the proposal would over burden the existing road network. There is also concern for pedestrian and cyclist safety. These matters are addressed in section 8.5 of this Inspector's Report.

Examination of the EIAR

9.14.2. Context: Chapter 12 describes the traffic related impact of the Sea Gardens Phase 2 proposed mixed use development on the existing surrounding road network.

9.14.3. Baseline: The site is bounded by the Dublin Road to the west and by Harbour Road to the east. The site can be accessed by two separate access points on the Dublin Road which will also serve the nearby Phase 1 development. The proposed development is approximately a 600m walk from Bray DART station. Bray town centre is accessible on foot within 10 minutes, while a number of bus stops are within 5 minutes walking distance from the site. The proposed development is well-located in terms of accessibility to transport services. In terms of cycling, Shankill can be reached within 15 minutes, while Bray town centre and the railway station are accessible within 5 minutes. To assess the existing traffic conditions in the area, a review of the local road network in the vicinity was undertaken. The main junctions likely to be impacted by the proposed development are set out in Table 12-7 which is replicated below:

Junction	Road Names	Junction Type
JTC 1	Ravenswell North / Ravenswell South / Harbour Road	Priority
JTC 2	North / Lower Dargle Road / Dublin Road South / Ravenswell Road Car Park	Priority
JTC 3	Dublin Road North-West / St. Cronan's Road / Dublin Road East	Priority
JTC 4	Dublin Road North / Upper Dargle Road / Dublin Road West / Dublin Road South / North Wicklow Educate Together Access. (Southern Access Junction)	Signalised
JTC 5	Dublin Road North / Chapel Lane / Dublin Road South / Ravenswell (Northern Access Junction)	Priority
JTC 6	Dublin Road West / Shopping Centre Access / Dublin Road East / Dwyer Park	Priority

The locations of these junctions are depicted in Figure 12-3 of the EIAR. Existing traffic volumes are outlined in Table 12-8.

Potential Effects

9.14.4. Likely significant effects of the development are summarised in Table 9.9 below. The EIAR notes that the junction of Ravenswell Road with Dublin Road will be closed to vehicular traffic in line with both the local authority's aspiration for the area and in accordance with the Bus Connects design for the Bray to City Centre Core Bus Corridor Scheme at this location. The proposed development involves a new access

to the site off the Dublin Road called the Southern Access Road which will align with Bus Connects proposals.

Table 9.14.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development remaining parts of the former Bray Golf Club would remain disused and the new proposed Southern Access Road would not be constructed. In the 'Do Nothing' scenario, the closure of Ravenswell Road at the Lower Dargle Road junction would still close to vehicular traffic.
Construction	The construction period is anticipated to run for 4 years and it will consist of two phases, A (29 months duration) and B (39 months duration). HGV movements per day are given as 16 two-way trips per day in Phase A and 6 two-way trips per day in Phase B. The construction phases have an overlap in the construction period and maximum HGV movements are given as 22 two-way trips during this period. In terms of construction personnel, it is anticipated that 100 people would be employed on site during peak periods, with the majority (80%) arriving by public transport and the remaining 20% arriving by car. The daily number of car trips (two-way) is stated as 40. Looking at the combined construction period, which would represent the largest number of traffic movements and the worst-case scenario, the daily total construction traffic movements would comprise 22 HGV movements (two-ways), 10 movements (two-ways) for other construction vehicles, 40 car movements (two-ways) and 113.6 PCU (Van and Car) movements. The majority of construction worker trips will occur outside of the peak morning traffic period (08:00–09:00), thereby limiting their impact on peak hour congestion. The increase in traffic volumes, as a result of construction vehicles visiting the site, is not considered to be excessive and will be spread out over a four-year period, and over the two phases of the development. In conclusion, the construction phase traffic impact constitutes a short term slight negative impact.

Operation	In assessing the traffic impact of the proposed development the TII Traffic and Transport Assessment Guidelines (May 2014) were used to determine thresholds for junction assessment based on traffic data collected. These Guidelines apply a threshold of whether traffic to and from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists, or where the location is sensitive. The junctions where the increase in traffic exceeds 5% are JTC 2, JTC 4 and JTC 5. On account of the closure of Ravenswell Road at the Lower Dargle Road junction to vehicles (as detailed above), existing trips are distributed onto Dublin Road. Four scenarios, (as follows), were then assessed in order to provide operational impacts of the proposed site: - Scenario 1: Existing road network with Ravenswell Road in operation. - Scenario 2: Redistributed Ravenswell Road traffic with the opening of the Southern Access Road. - Scenario 3: Scenario 2 with the addition of committed development traffic. - Scenario 4: Scenario 3 with the omission of the right turning signal from the Dublin Road South towards the Southern Access Road. Following traffic assessment, two of the junctions were affected, namely the Southern Access Road junction (JTC 4) and the Northern Access Road junction (JTC 5). The closure of the Ravenswell Road at the Lower Dargle Road junction impacted on these junctions as the redistribution of traffic significantly increased the demand on the junctions and as such they were found to be operating over capacity. For both junctions, Scenario 4 is expected to perform best in the AM Peak, while the level of service is anticipated to diminish in the PM Peak. This assessment has been subject to sensitivity testing on the Southern Access Road junction and as part of this analysis they were assessed on the basis of the configuration provided in the Bus Connects scheme. For both junctions, Scenario 4 was found to be the
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	preferred option and is therefore recommended. The impact is considered to represent a long term slight negative effect.
Cumulative	Both the Northern Access Road junction onto the Dublin Road and the Southern Access Road junction also onto the Dublin Road are expected to be over capacity arising from the closure of Ravenswell Road (at the Lower Dargle Road junction) to vehicles. The impact is considered to represent a long term slight negative effect. It is noted that the proposed development will be heavily served by public transport and active travel modes and also there are home working opportunities which people will avail of. Having regard to the foregoing it is anticipated that the impact of the proposal on the existing road network will be modest and within the capacity of existing infrastructure inclusive of public transport.

Mitigation

9.14.5. Mitigation measures in respect of traffic are addressed at Section 12.7 of the EIAR and include, at construction phase, implementation of a CEMP and details of a Construction Transport Management Plan (CTMP) to be agreed with the local authority prior to commencement of construction. Operational phase mitigation measures include DART+ (which will increase the frequency, capacity and reliability of the DART service and decrease dependence on private vehicles); the proposed Bus Connects (Core Bus Corridor Route); the GDA Cycle Network Plan – Primary Route 12 located on Dublin Road to be upgraded as part of Bus Connects; the co-location of residential, education, local retail and leisure and amenity facilities; reduced residential parking and increased cycle provision; the provision of car club spaces and the Luas extension to Bray comprising extension of the Green line to Bray, with a stop proposed proximate to the development and terminate at Bray DART Station via a proposed sustainable public transport bridge, which would not accommodate vehicular traffic. The Luas line extension to Bray would potentially be delivered in the medium term, between 2031-2036. The Sea Gardens Masterplan takes cognisance of the provision of the Luas extension and its interface with the proposed development.

Residual Impacts

9.14.6. No residual impacts are anticipated in respect of traffic.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

9.14.7. I have examined, analysed and evaluated the information provided in Chapter 12. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on traffic. Construction phase traffic is not envisaged as being significant, and will be spread over a 4 year period. The EIAR notes that the junction of Ravenswell Road with Dublin Road will be closed to vehicular traffic in line with both the local authority's aspiration for the area and in accordance with the Bus Connects design for the Bray to City Centre Core Bus Corridor Scheme. Traffic modelling indicates that the closure of the Ravenswell Road impacted on the Southern Access Road junction and the Northern Access Road junction as the redistribution of traffic significantly increased the demand on the junctions and as such they were found to be operating over capacity. However, for both junctions, Scenario 4 was found to be the preferred option. This option removes the right-turn signal from the Dublin Road South towards the Southern Access Road in order to improve level of service, particularly during the AM Peak. The impact is considered to represent a long term slight negative effect.

9.14.8. While the assessment represents a traffic network which is over capacity, the proposed development will be well served by public transport and active travel modes. It is also anticipated that car ownership will be below traditional suburban residential development levels, with an overall rate of 1.2 parking spaces proposed for residential units. Further, bicycle parking is proposed at a rate of 1 space per bedroom for long stay and 0.2 space per unit for short stay cycle parking. It is anticipated that the proposed development on the existing road network will be modest and acceptable.

Conclusion

9.14.9. Having regard to the examination of environmental information in respect of Traffic, in particular the TTA and EIAR, I am satisfied that the information submitted adequately demonstrates an understanding of the potential impacts on traffic generated by the proposed project. I agree with the EIAR that the mitigation measures set out for both construction and operational stages will adequately address the potential for significant impacts on traffic.

9.15. **Material Assets**

Issues Raised

- 9.15.1. No specific issues are raised in the appeals and observations relating to Built Services and Waste.

Examination of the EIAR

- 9.15.2. Context: Impacts on 'Material Assets' in terms of Built Services (specifically drainage infrastructure and utilities) and Waste are addressed in Chapter 13 (Material Assets) of the EIAR. This chapter is supported by Appendix 13.1 – Telecommunications Report.

- 9.15.3. Baseline (Built Services):

- 9.15.4. Material assets in the context of 'built services' include the surface and wastewater networks, the water main network, electricity and gas networks, and the telecommunications network, and the chapter address the impacts of the proposed development on same. In terms of stormwater drainage it is proposed that the existing drainage located to the north of the proposed site will be diverted into the proposed storm drainage network, which has been designed to cater for the diverted surface water flows from the Northern Development Road. In relation to foul drainage there is significant foul drainage infrastructure within the site. A foul rising main and a trunk foul sewer enter the site at the northern boundary (Phase 1 development) and ultimately crosses the River Dargle at the south of the site. There are two gravity sewers to the south of the site, running west to east across the lands where they outfall to the above-mentioned trunk sewer. In terms of water supply, there is an existing water supply infrastructure on site. The nearest watermain capable of catering for the proposed development is to the north of the site where an existing 225mm diameter watermain is present. In relation to electricity there are existing underground ESB services along the northern, eastern and southern site boundaries as well as through the centre of the site. There are overhead ESB services further west of the site and along the east of the site on the opposite side of the railway. In relation to gas supply, there are existing gas utilities in the south western area / centre of the site. In terms of telecommunications, existing Eir ducting is located within the site along the northern,

eastern and southern boundaries as well as along the access road through the site. There is existing street lighting along the access path to the school development and towards the northern boundary leading to the underpass.

- 9.15.5. Baseline (Waste): The underlying bedrock in the centre, north and west of the site comprises the Maulin Formation (comprising slate, phyllite and schist). To the south lies the Bray Head Formation (comprising greywacke and quartzite). Based on soil analytical data and findings from the geotechnical investigation, soils beneath the site are not considered to pose an unacceptable risk to human health, building and services, environmental receptors or third party sites.

Potential Effects

- 9.15.6. Likely significant effects of the development are summarised below in Table 9.15.1

Table 9.15.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development there would be a neutral impact and imperceptible effect with regards to Material Assets.
Construction	(Built Services) The following potential impacts could occur: • Damage to existing major foul water network, within the associated services, along the northern, eastern and southern boundary of the site. • Damage to existing underground power supply which runs along the boundaries of the site. • Damage to existing eir telecommunication assets along the northern, southern and eastern site boundaries. • Potential power outages to existing services in the surrounding area during the connection of the proposed new supply networks within the residential development to the existing networks. • Contamination to the existing public water supply network during connection to the proposed new water supply network within the residential development.

	• Damage to the gas network located within the south-western / centre portion of the site. These potential impacts are considered to be unlikely and should they occur, would be temporary and moderate adverse. (Waste) The management of waste during the construction phase will accord with the submitted RWMP. Waste streams during construction will comprise asbestos relating to the existing building on the site, native non-contaminated soils (it is estimated that 19,366m³ of waste soils will require off-site disposal), mixed C&D waste (c5,486m³ in total) will be removed for offsite separation and disposal at a waste disposal/recovery facility. Timber waste (c 1198 tonnes) will be segregated and stored. C 636 tonnes of metals will be generated during the project; all waste metal will be segregated offsite for re-use / recycling. Packaging wastes (c 671 tonnes) will be removed for offsite separation and appropriate disposal. Canteen waste (c 100 tonnes) will be segregated, with brown, green and black bins provided. Other residual waste (c 2,409 tonnes will be generated during construction stage such as soiled paper, cardboard, plastics, cloth, fibreglass and plasterboard. These will be stored separately to prevent cross contamination.
Operation	(Built Services) Uisce Eireann has confirmed the foul network will have sufficient capacity for the proposed development; also the water supply network has sufficient capacity to meet the water supply requirements of the proposed development once operational. All foul water, storm water and water main services will be installed and commissioned within the proposed development in accordance with all Uisce Éireann requirements and standard best practice guidelines. All power, telecommunications networks and street lighting will be installed and commissioned within the proposed development in accordance with the relevant service providers guidelines and requirements and standard best practice guidelines. A

	Telecommunications Impact Assessment report is prepared (Appendix 13.1 refers). Key conclusions are as follows: - <i>The proposed development will not impact any Microwave Transmission links. A visual survey was carried out and a request for information from telecommunication providers where the visual survey was inconclusive.</i> - <i>The proposed development will not impact Radio Frequency links. Assessment identified via drive test that the development is adequately covered by the cell sites identified.</i> - <i>The Solus Water Tower was identified as being home to a moderate to high concentration of Telecommunications Channels, with low to moderate concentration of microwave links and a moderate to high concentration of Radio Links. It has been concluded that the development will not impact these Telecommunication Channels as the height and site elevations of the development are not blocking the Telecommunication Channels from this antenna site.</i> (Waste) Waste management during operational phase will be undertaken by private waste contractors. Waste management procedures will be in accordance with the Operational Waste Management Plan (OWMP) submitted.
Cumulative	(Built Services) No cumulative impacts anticipated during construction and operational phases of the proposed development. (Waste) No potential cumulative impacts are anticipated during the construction and operational phases of the proposed development.

Mitigation

9.15.7. Mitigation measures in respect of material assets (built services) are set out in section 13.2.6 and include compliance with a project-specific detailed CEMP, removal of foul drainage discharge from temporary welfare facilities to an appropriately licensed facility for disposal, testing and certification of all newly installed utilities/services prior to being fully commissioned, connection to existing and proposed foul networks to be coordinated with utility provider, copies of all available existing and as built utility plans to be maintained on site during the construction of the proposed development and

street lighting to be implemented in accordance with the Lighting Report. In terms of demolition of the structure on the site, the Asbestos Survey Report identifies asbestos containing materials. The asbestos is to be removed by an asbestos removal contractor and disposed of as asbestos waste prior to demolition. All asbestos removal work shall be carried out in accordance with the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006-2010. As no significant adverse impacts are predicted to occur during the operational stage, no mitigation measures apply to this phase of the proposed development. In relation to waste, mitigation measures are outlined in section 13.3.4 of the EIAR. At the construction phase such measures include implementation of a project specific CRWMP, appropriate scheduling and planning the delivery of materials on an 'as needed' basis, all loaded trucks entering and exiting the site to be appropriately secured and covered and dust to be controlled at entry and exit points using wheel washes, road sweepers and tools/plant will be washed and cleaned in designated areas. Wheel / road sweeper washings will be contained and treated prior to discharge. At operational stage mitigation measures will be implemented to minimise the potential impact of litter pollution by provision of suitably sized waste receptacles within the proposed development. Waste will be collected on a fortnightly basis from all houses and duplexes and on a weekly basis from all apartment blocks and commercial units. It shall be the responsibility of residents, creche users, occupants of commercial units and maintenance workers to ensure appropriate and responsible disposal of waste.

Residual Impacts

9.15.8. Considering proposed mitigation measures for Material Assets, specifically built services, the residual impacts of the proposed development will be short-term and slight adverse during the construction stage, and long term and not significant during the operational phase. Taking account of the proposed mitigation measures for Material Assets, specifically waste management, the residual impacts of the proposed development will be short term and imperceptible during the construction phase, and long term and imperceptible during the operational phase.

9.15.9. *Monitoring*

The Contractor will be responsible for maintaining waste records and documentation during the construction phase and this will involve tracking and monitoring all waste

volumes transported offsite. All waste records will be maintained onsite throughout the project and will be made available for viewing as required. No monitoring is required during the operational phase of the proposed development.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.15.10. I have examined, analysed and evaluated the information provided in Chapter 13. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on Material Assets (built services and waste). Services are available, or can be provided to the site. Impacts on material assets in the context of existing built service are not significant. Implementation of the RWMP and waste management practices will ensure that high rates of reuse, recovery and recycling during the construction and operational phases. Impacts on material assets in the context of existing waste is not significant.

Conclusion

- 9.15.11. Having regard to the examination of environmental information in respect of Material Assets (built services and waste) in the EIAR. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on material assets generated by the proposed project. I agree that the mitigation measures set out in the EIAR will adequately address the potential for significant impacts on Material Assets, built services and waste. No potential cumulative impacts are anticipated during construction and operational phases with regards to built services and waste.

9.16. Cultural Heritage

Issues Raised

- 9.16.1. No issues were raised in the appeal and observations regarding cultural heritage.

Examination of the EIAR

- 9.16.2. Context: Chapter 14 of the EIAR addresses cultural heritage. The study area includes the proposed development site and surrounding lands extending for 250m in all directions. The assessment was based on a programme of desktop research combined with field inspection/survey, geophysical surveys and archaeological test excavation. This chapter is supported by the following appendices: Appendix 14.1 -

Photographic Record; Appendix 14.2 - Geophysical Survey; Appendix 14.3 - ASI Inventory; Appendix 14.4 - Database of excavations and Appendix 14.5 - Test Trenching.

Baseline: The RMP/SMR does not list any recorded archaeological sites within the proposed development boundary however the southern portion of the development site extends slightly within the zone of archaeological potential associated with the historic town of Bray (WI004-001----). There are a further nine recorded archaeological sites within the surrounding 250m study area as outlined in Table 14-5 of chapter 14. A linear earthwork (WI005-005--- / DU026-124----) to the north of the development boundary was previously considered to be a section of the Pale ditch, however recent archaeological investigations have shown that it is a 19th or early 20th century landscape feature. A programme of archaeological monitoring of a work compound for the Shanganagh-Bray main drainage scheme was undertaken within the north-eastern portion of the site in 2002 and no archaeological features were discovered. Monitoring of additional works as part of the Shanganagh-Bray main drainage scheme within the former golf course revealed nothing of archaeological significance. Archaeological test trenching and a metal detection survey was carried out in 2020 on Phase 1 lands to the north. No potential archaeological features were uncovered. Archaeological monitoring was also undertaken for a 4km long flood defence scheme on the River Dargle. Monitoring identified earlier elements of Bray Bridge including the remains of a wooden bridge to the west the stone bridge on the Lower Dargle Road which was dated to the later 12th or early 13th century. The subject site is not located within an Architectural Conservation Area (ACA) and there are no Protected Structures on the lands. The National Inventory of Architectural Heritage (NIAH) lists a former historic garden/landscape within the northwestern portion of the proposed development site and this comprises a former garden associated with the demolished Ravenswell House (NIAH Garden No. 4299). There are 26 Protected Structures located within the 250m radius study area, the majority of which are located within Bray town centre, in the south end of the study area. The cartographic sources examined for the study area comprised the 17th century Down Survey mapping, John Rocque's map of South County Dublin (1760), Taylor's map of the Environs of Dublin (1816), the first edition 6-inch Ordnance Survey map series (1837) and the 25-inch OS map (1911). The location of Bray Commons townland is indicated on the Down Survey mapping which

shows a square structure a short distance north of the River Dargle in the vicinity of the proposed development site. It is considered likely that this structure is a tower house (WI004-001006-). No other features of potential cultural heritage interest are depicted within its boundary. Rocque's map and Taylor's map depict the development lands as planted with trees while the 6-inch OS map shows the site as located primarily within fields associated with Ravenswell House to the north. The 25-inch OS map depicts the site as a golf course with a club house centrally located on the lands. A review of aerial, satellite and LiDAR sources published online did not reveal any traces of potential unrecorded archaeological sites within the proposed development site.

9.16.3. The proposed development site was inspected in December 2023 and January 2024. Most of the proposed development lands are within the former Bray Golf course. The western extent of the site is located within the former garden of Ravenswell House as depicted on the OS maps. The field inspection did not note any historic garden features at this location, which was significantly overgrown making it difficult to identify such features. The boundary to the river is defined by modern concrete flood relief wall and drainage ditch. A geophysical survey of green field areas within the proposed development site was carried out in February 2024 (Appendix 14.2 refers). The survey identified a number of anomalies of potential archaeological origin. Test trenching comprising 13 test trenches, was carried out on the site in April 2024. The testing programme identified one archaeological feature, a burnt spread in Trench 5. No other archaeological features were identified during the testing.

Potential Effects

9.16.4. Likely significant effects of the development are summarised in the Table 9.16.1 below.

Table 9.16.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development, recorded and potential cultural heritage features within the study area will continue to be preserved.

Construction	There are no recorded archaeological sites located within the proposed development site; as such the construction phase will have a neutral effect on the known archaeological resource listed in the SMR/RMP. There are a number of sub-surface remains of sites/features of archaeological potential as identified by the geophysical survey. Archaeological test trenching confirmed a burnt spread which may form the remains of prehistoric pyrolithic activity. Construction phase ground works will result in permanent, direct, moderate to significant, negative effects on the burnt spread and this will require mitigation. The River Dargle flows outside the southern end of the proposed development site. No in-channel works which would have the potential to impact on any unrecorded underwater archaeological sites will be carried out. There are no Protected Structures on the site and the site is not within an ACA. There are no NIAH listed buildings or extant gardens on the site. As such and having regard to the absence of architectural constraints within the site, the construction phase will have a neutral effect on the architectural heritage resource. There are no undesigned vernacular structures or historic settlements within the proposed development. The location of the historic Ravenswell House, now demolished, is recorded immediately north of the development boundary and a portion of its former gardens are within the subject site. The gardens are no longer in existence. A section of the townland boundary between Ravenswell and Bray Commons extends through the proposed development site but has no visible, above-ground remains. The construction phase will have potential direct, permanent, slight, adverse effect on the townland boundary which will require mitigation.
Operation	There is no intervisibility between the proposed development site and the archaeological sites listed in the RMP/SMR within the surrounding 250m study area. The proposed development will have a neutral effect on the setting of the recorded archaeological resource within the study area during the operational stage. Following implementation of archaeological monitoring measures it

	is predicted that no impacts will arise regarding the potential archaeological resource within the proposed development during the operational phase. No potential undesignated structures of architectural heritage interest were identified within the boundary of the proposed development. The operational phase of the development will therefore have a neutral effect on the architectural heritage resource. No mitigation measures will be required in this context.
Cumulative	Following the application of site-specific archaeological mitigation measures it is considered that the proposed development will not act in combination with other developments.

Mitigation

9.16.5. Mitigation measures are set out in section 14.7 of the EIAR. No mitigation measures for the architectural heritage resource are deemed to be required. The targeted archaeological test trenching at the locations of geophysical survey (given as Anomalies 1-6) confirms one potential feature comprising a burnt mound within the site boundary. In advance of the construction phase and after a grant of permission, a suitably qualified archaeologist will be appointed to prepare and submit a licence application to the National Monuments Service (NMS) to preserve by record (through archaeological excavation) the full extent of the archaeological sites/features located within the site boundary. All required archaeological excavation works will be carried out in accordance with the archaeological method statement submitted to the NMS and the National Museum of Ireland as part of the licence application. Any archaeological objects and relevant environmental material retrieved during archaeological excavation works will be provided to the National Museum of Ireland. Results of all excavation works will be published in the Database of Irish Excavation Reports. As a precautionary measure, the appointed archaeologist will also carry out further programmes (under licence) of archaeological monitoring of topsoil stripping within previously unavailable areas within the proposed development. Any archaeological remains identified during monitoring will be appropriately recorded and the NMS will be notified. A report on results of the archaeological monitoring will be

submitted to the NMS and they will be consulted to determine appropriate mitigation measures if previously unrecorded archaeological remains are identified. The report will also detail proposals for construction phase and operation phase preservation measures for any previously unrecorded archaeological remains identified during testing that will be preserved in situ. No mitigation measures are proposed during the operational phase.

Residual Impacts

- 9.16.6. The identified site known as Anomaly 4 – potential burnt mound – will be preserved by record through full archaeological excavation. Preservation by record allows for a high magnitude of impact, ameliorated by the creation of a full and detailed archaeological excavation, the results of which will be publicly available. This results in a potential slight to moderate adverse in terms of residual effect significance.

Monitoring

- 9.16.7. All required archaeological excavation works, including post-excavation analyses and reporting, will be carried out in accordance with the archaeological method statement submitted to the National Monuments Service and the National Museum of Ireland as part of the licence application. Following the completion of all archaeological excavation works, preliminary and final reports will be submitted to the National Monuments Service, the National Museum of Ireland and the planning authority which will clearly describe the results of all onsite archaeological works and post-excavation analyses.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 9.16.8. I have examined, analysed and evaluated the information provided in Chapter 14 and I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on cultural heritage. There are no recorded archaeological sites within the site; no Protected Structures, or NIAH-listed buildings are within the site boundary; and the site is not located within, or in the close environs of, an ACA. There are a number of sub-surface remains of sites/features of archaeological potential as identified by the geophysical survey. Further archaeological test trenching confirmed a burnt spread within the proposed development site, which may form the remains of prehistoric pyrolithic activity. Appropriate mitigation measures are proposed. The

identified site known as Anomaly 4 – potential burnt mound – will be preserved by record through full archaeological excavation. I am satisfied that the proposed development would not give rise to significant impacts on cultural heritage.

Conclusion

- 9.16.9. Having regard to the examination of environmental information in respect of cultural heritage, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding cultural heritage context of the site and surrounding area. I am satisfied that mitigation measures proposed are appropriate and will adequately address the potential for significant impacts on cultural heritage, specifically the preservation of a burnt spread / mound (which may form the remains of prehistoric pyrolithic activity) by record and any undiscovered archaeological features either by preservation in-situ or by record. I am satisfied that there is no potential for significant cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

9.17. Interactions Between the Foregoing

- 9.17.1. Though already referenced in the individual technical chapters, Chapter 17 (Interactions) of the EIAR provides an overview of the key interactions identified and addressed in the previous chapters.
- 9.17.2. A summary matrix showing significant interaction and interdependencies between environmental attributes specifically in relation to the proposed development is illustrated in Table17-1 and they are summarised in the subsequent sections of this chapter.
- 9.17.3. I note in particular that potential impacts on receiving air quality could result in potential impacts on habitats and species from dust generated during the construction phase. There are also potential pollution impacts to surface waters and the aquatic environment through the release of cementitious materials. However the mitigation measures outlined in Chapter 5 – Biodiversity, Chapter 7 - Water and Chapter 8 – Air Quality will ensure this will not occur.

9.17.4. Noise and vibration impacts from the piling of foundations of Blocks E, H and I could potentially impact Harbour porpoise and other marine and coastal mammals. While the EIAR deals with noise and vibration and piling, there is conflicting information in terms of depth of piling and no information on the number of piles to be installed during the construction period. The Technical Note of the ACP Ecologist notes that as the specific type of piling method and number of piles to be installed are not presented in the application documents, only bored piling methods should be used on the basis that at 100m from the source, noise levels are expected to be in the region of 56 dB, approaching local daytime ambient noise levels. Therefore, significant effects from disturbance and displacement of coastal and marine mammals are unlikely from this type of piling. Should permission be granted, I recommend inclusion of a condition to this effect.

9.17.5. I have considered the interrelationships between the various environmental factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered both the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of any grant of permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

9.18. Cumulative Impacts

9.18.1. The cumulative effects of the proposed development alongside other proposed/permitted development in the vicinity of the site as well as all other phases of the Sea Gardens Master Plan has been addressed in Chapter 16 of the EIAR. It has been concluded that the cumulation of effects from the proposed development and planned and permitted development and all other phases of the Sea Gardens Masterplan would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

9.18.2. It is noted that there is potential for cumulative construction dust impacts for nearby sensitive receptors should the construction phase coincide with other large scale developments within 500m of the site, namely Phase 1b which has recently been

permitted to the north of the lands within the administrative area of Dun Laoghaire Rathdown County Council, the Sustainable Transport Bridge project and the potential Phase 3 development as outlined in the Sea Gardens Masterplan. The dust mitigation measures outlined in the EIAR will avoid significant cumulative impacts on air quality. The operational stage impact was found to have a slight impact on air quality as a result of traffic associated with other existing and permitted developments in the area.

- 9.18.3. In terms of construction noise, construction works for other phases of the Sea Gardens masterplan may be on-going simultaneously to this project. Cumulative impacts will need to be managed at construction phase and it is recommended that construction sites would liaise, and coordinate works on an on-going basis to limit the duration and magnitude of potential cumulative impacts on nearby sensitive receptors.

9.18.4. **Reasoned Conclusion on the Significant Effects**

- 9.18.5. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions on the file and to the appeals and the observations, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health

- The construction phase will give rise to increased traffic, noise and vibration impacts and dust generation within the site and general vicinity. Such impacts will be adverse, short-term in duration, limited in extent and not significant. At operation stage much needed housing and amenities including public open spaces and active travel infrastructure are provided. The population will have access to new community facilities including a childcare facility and a medical centre. Proposed new commercial and retail developments will serve the new residents and wider population.

Biodiversity

- The impact of the proposed development on habitats would not be significant. Mitigation measures are proposed to reduce any potential impacts on mammals

and it is considered that impacts on terrestrial mammals and marine and coastal mammals would not be significant. Collision risk is not likely to have a significant effect on birds including Mute Swan and wintering waders. The Technical Note from the ACP Ecologist recommends that a condition be included, should permission be granted, that only bored piling methods be used for the construction of proposed blocks E, H and I, given the proximity of the project site to sensitive ecological receptors, specifically marine and coastal mammals. I concur with this recommendation.

Land, Soils and Geology

- On foot of ground gas sampling, elevated concentrations of carbon dioxide were observed at the borehole in one localised area, deemed to be 'at low risk,' in the western portion of the site, in the vicinity of proposed Block H. A mitigation measure through the installation of an appropriate ground gas membrane beneath Block H is proposed to ensure that potential moderate negative permanent impacts do not occur during the operational phase.

Water

- The stripping of topsoil, excavation on the site and earthworks during the construction phase could result in the potential for fuel spills, polluted run-off and sediment to enter the adjacent watercourse (River Dargle) and Bray Harbour. Works to facilitate a surface water outfall at the flood defences wall at the River Dargle could also give rise to fugitive emissions to the river. Mitigation measures including standard construction phase mitigation measures, preparation of an Outline Construction Surface Water Management Plan to ensure surface water quality is managed and implementation of the CEMP are proposed to address the potential release of sediment laden run-off and run-off contaminated with hydrocarbons, cement etc. into the watercourse and nearby water bodies to ensure there is no adverse water quality impacts.
- A Flood Risk Assessment (FRA) was prepared by ARUP in 2025 as part of the planning application (presented in Appendix 7.1 of the EIAR) and it is prepared in accordance with *The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)*. The applicant's FRA is site specific and detailed. It

has considered the current Wicklow County Development Plan 2022-2028 and the Strategic Flood Risk Assessment (SFRA) prepared in support of the Bray Municipal District – Local Area Plan 2018-2024, and it has demonstrated that there would be no unacceptable flood risk.

Air Quality

- Cumulative construction dust impacts may occur if other large-scale developments within 500m of the site are under construction simultaneously. There is potential for the construction phase of the proposed development to coincide with that of the permitted Phase 1 development, the sustainable transport bridge project and the potential Phase 3 development. Dust mitigation measures as identified in the EIAR will however be implemented during the construction phase and will avoid significant cumulative impacts on air quality.

Noise and Vibration

- When construction works are within 30m of the receptors, it is expected that a potentially moderate to significant impact will occur which would impact two Noise Sensitive Receptors (NSL1 and NSL2). Best practice control measures from construction sites, detailed within BS 5228, and noise mitigation impacts detailed in the EIAR will be used to control noise impacts to nearby sensitive receptors, ensuring potential impacts are not significant.
- At operational stage, there is increased traffic noise levels predicted for Junction 1, Arm C. While the change in noise level can be described as significant, the overall noise level from this junction is deemed to be typical when considered in the context of an urban area. Overall, a negative, not significant to slight long term effect is calculated.
- During the construction phase, site activities including site clearance, excavation, building works carried out by plant and machinery will result in potential noise impacts on the surrounding environment and adjacent properties. Construction works for other Masterplan phases may be ongoing at adjacent sites simultaneous to this project and therefore construction noise emissions are likely to occur to receptor locations equidistant to both sites. Measures to consider and manage cumulative impacts during construction phase are outlined. I recommend inclusion of a condition requiring that liaison between construction sites occur throughout the

construction period, with work to be scheduled in a cooperative effort in order to limit cumulative impacts on nearby sensitive receptors.

- In terms of biodiversity, piling during the construction phase will cause noise and vibration impacts potentially leading to disturbance of marine and coastal mammals, including Harbour porpoise (ex-situ QI of Rockabill to Dalkey Island SAC) and Otter (ex-situ QI of Wicklow Mountains SAC). As detailed in the Biodiversity section above, the Technical Note of the ACP Ecologist recommends that only bored piling methods be used for the construction of proposed blocks E, H and I, given the proximity of the project site to sensitive ecological receptors, specifically marine and coastal mammals. I consider this to be appropriate.

9.18.6. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures / environmental commitments (Chapter 18), as appropriate. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant direct environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed.

10.0 Appropriate Assessment

10.1. Stage 1 – Appropriate Assessment Screening

10.1.1. A main issue of contention highlighted in third party submissions is that the NIS has not examined all relevant European Sites.

10.1.2. I note the report of the ACP Ecologist (Appendix 4) which finds that the AA Screening and NIS have been undertaken adequately and takes into account relevant guidance, using the source-pathway-receptor approach with consideration given to mobile QIs/SCIs. The report also finds that all relevant European Sites within the Zone of Interest of the subject site have been considered in the AA Screening. This issue is further detailed in Appendix 1.

10.1.3. In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the following European Sites;

- Rockabill to Dalkey Island SAC (Site Code: 003000)
- Wicklow Mountains SAC (Site Code: 002122)

in view of the conservation objectives of a number of qualifying features of these sites. It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required. I have based my assessment on the AA Screening and NIS submitted to the planning authority on the 24th of March 2025 with the planning application. I have also had regard to the Technical Note prepared by the ACP Ecologist.

10.2. Stage 2 – Appropriate Assessment

10.2.1. Following screening for the need for Appropriate Assessment it was determined that the proposed development could result in significant effects on 2 no. European Sites (outlined in 10.1.1 above) in view of the conservation objectives of these sites, and Appropriate Assessment was deemed to be required. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects are also considered. A full description of the proposed development, including construction methodology, is set out within the AA Screening / NIS submitted by the applicant and the potential impacts from the construction and operational phases are set out in Sections 6.1 and 6.2 of the NIS. Following an examination, analysis and evaluation of the NIS, as set out within Appendix 2 of this report, and all associated material submitted, I consider in light of the mitigation measures proposed, that adverse effects on the integrity of the 2 no. European Sites noted above can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure application of these measures.
- The Technical Note received from the ACP Ecologist.

11.0 Water framework Directive Assessment

11.1.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended. The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include river/surface waterbody Dargle (IE_EA_10D010300)', currently classified as 'Good' (and 'Not at Risk'), and ground waterbody Wicklow (IE_EA_G_076) currently classified as 'Good' (and 'At Risk') on EPA mapping (2019-2024 WFD Status). Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Any residual risks are capable of being addressed through the proposed mitigation measures and implementation of a Construction Environmental Management Plan (CEMP). The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

It is noted that Uisce Éireann's (UÉ) wastewater capacity register (published in April 2026) states there is spare capacity ('Green') available at Shanganagh WWTP. Furthermore Shanganagh WWTP operates under licence issued by the EPA and UÉ is obliged to comply with the conditions of the licence. Based on the foregoing, I

conclude that the proposed development would comply with the requirements of the Water Framework Directive.

12.0 Condition and Recommendations Table

12.1. The following Table summarises the conditions / recommendations of the Wicklow County Council grant of permission and how they will be addressed in a decision to grant permission:

DLRCC Condition / Recommendation	Recommended Relevant Condition
1. Development to be undertaken in accordance with documents lodged on 8 th August 2025.	Standard condition recommended which refers to plans and particulars lodged on the application date and the date FI was received.
2. Block E to be reduced in height by removal of six floors.	Condition not required on the basis that the assessment finds the height of Block E to be acceptable.
3. Mitigation and monitoring measures in application documents, EIAR and NIS to be carried out in full.	Addressed through Condition No. 3 & 4.
4. Engagement of a suitably qualified ecologist to oversee works, implementation of mitigation measures, and ecological reporting.	Addressed through Condition No. 23.
5. (i) No development to commence until pedestrian/cycle infrastructure at Fran O'Toole bridge is commenced. (ii) No occupation of any residential /commercial unit until pedestrian/cycle infrastructure at Fran O'Toole bridge is completed, unless otherwise agreed in writing by the PA. (iii) No occupation of any residential /commercial unit until southern road access is complete unless otherwise agreed in writing by the PA.	Item (iii) addressed through Condition No. 2. The assessment recommends that 5(i) and 5(ii) are omitted.
6. Financial contribution condition.	Addressed through Condition No. 38.
7. Lodgement of cash security / bond.	Addressed through Condition No. 37.
8. No development to commence until contributions and agreements / submissions required by conditions prior to	Not required on the basis that each compliance condition will specify development not to commence until matter

commencement of development have been submitted to and agreed by the PA.	agreed with in writing with planning authority.
9. Section 96 agreement.	Addressed through Condition No. 36.
10. First occupation of any house/duplex unit shall be by individual purchasers and not by a corporate entity.	Addressed through Condition No. 35.
11. Management company to be established.	Addressed through Condition No. 27.
12. Works to accord with CEMP; Construction hours.	Addressed through Condition Nos. 32,20.
13. (a) Obtain written agreement of UE for the provision of water services to serve the development. (b) The permission does not commit WCC to provide water services for the development.	Addressed through Condition No. 19.
14. Surface water drainage including provision of Stage 2 and 3 Audits.	Addressed through Condition No. 28.
15. Carry out CBR tests, detail the exact specification of estate roads, and have road construction materials tested.	Addressed through Condition No. 13.
16. Undertake monitoring at the proposed southern access junction upon it becoming operational.	Addressed through Condition No. 15.
17. Prior to occupation submit a Mobility Management Strategy for agreement with the PA.	Addressed in Condition No. 16.
18. Prior to commencement submit a Stage 2 and a Stage 3 Road Safety Audit for agreement with the PA.	Addressed in Condition No. 14.
19. Final public lighting scheme to be submitted for agreement with the PA.	Condition No. 26.
20. Electric vehicle charging infrastructure to be provided in accordance with submitted details.	Condition No. 18.
21. External finishes and colours to buildings.	Addressed in Condition No. 6.
22. Internally illuminated lettering for signage on commercial elements not permitted.	Condition No. 11.
23. Plant to be appropriately sited; mechanical plant and ventilation inlets/outlets to be sound insulated.	Condition No. 9.
24. No additional development to occur above roof parapet level of apartment buildings unless authorised by a further grant of permission.	Condition not required. Planning enforcement matter for the planning authority should this occur.
25. Unless otherwise agreed with PA, hard and soft landscaping to be undertaken in	Condition 25.

accordance with the Landscape Design Strategy.	
26. Open space areas serving residential units to be dedicated to the use of the residents. Developer to be responsible for maintenance of open space until 1 year after completion of all houses and until planting is established.	Addressed in Condition No. 25.
27. Naming and numbering condition.	Condition No. 22.
28. Upon completion of development or each stage of development and prior to taking in charge, information shall be provided to the Council relating to the as constructed position of houses, roads, watermains, sewers and pipe sizes.	Condition No. 34.
29. Archaeological appraisal of the site.	Covered by condition No. 3.
30. Service cables to be undergrounded.	Condition No. 21.

13.0 Recommendation

I recommend that permission is granted for the proposed mixed-use development for the reasons and considerations set out below, and subject to conditions.

14.0 Reasons and Considerations

Having regard to:

(i) the location of the site on lands predominantly with a zoning objective 'MU – Mixed Use' with the objective 'To provide mixed use development' in the Bray Municipal District Local Area Plan 2018-2024, which, pursuant to section 3.4 "Zoning" of the Wicklow County Development Plan 2022-2028 forms part of that Plan until the Bray LAP is replaced,

(ii) the nature, scale and design of the proposed development which is consistent with (a) the provisions of the Wicklow County Development Plan 2022-2028 and appendices contained therein, with the exception of two instances of material contravention (detailed below), and (b) the provisions of the Bray Municipal District

LAP 2018 – 2024 with the exception of Objective CD3 relating to the provision of a MUGA in the proposed Central Park,

(iii) the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES);

(iv) to Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,

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

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

(vii) the Design Standards for Apartments, Guidelines for Planning Authorities, 2023,

(viii) the Urban Development and Building Heights Guidelines for Planning Authorities (2018)

(ix) the Climate Action Plan 2024 and the Climate Action Plan 2025,

(x) the availability of a wide range of physical social, community and transport infrastructure and services in the area,

(xi) the Planning Reports and supporting technical reports of Wicklow County Council,

(xii) the planning history and extant permissions,

(xiii) the submissions received including third party submissions,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development in this proposed new urban area of Bray, would be acceptable in terms

of layout, urban design, height and quantum of development, would not significantly or unacceptably contribute to traffic congestion in the area, would be acceptable in terms of parking provision and traffic and pedestrian and cyclist safety and convenience, would be acceptable in terms of flood risk, would be acceptable in terms of proposed tree and vegetation planting and landscaping, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be premature, would not give rise to adverse ecological impacts, would not result in adverse effects on the Conservation Objectives of European Sites or on the quality of receiving waters and would not result in significant environmental impacts. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The proposed development would materially contravene CPO 6.2 of the WCDP 2022-2024 which provides that the sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited. This is not consistent with the Regulation of Commercial Institutional Investment in Housing Guidelines (2023) which require that only own-door housing units and duplex units are not bulk purchased for market rental purposes. However, having regard to Section 37(2)(a) of the Planning and Development Act 2000, as amended, and having regard to the requirement for An Coimisiún Pleanála to have regard to any guidelines issued under Section 28, including the Regulation of Commercial Institutional Investment in Housing Guidelines (2023), it is considered that the proposed development should be granted, with a condition aligning to the requirements outlined in the Regulation of Commercial Institutional Investment in Housing Guidelines (2023).

The proposed development would materially contravene CPO 7.37 of the WCDP 2022-2024 which states that a MUGA shall be included in all new neighbourhood parks. No MUGA is proposed as part of this application, which includes provision of a new neighbourhood park. However, having regard to section 37(2)(a) of the Planning and Development Act 2000, as amended, and that the proposed development is of high quality design which offers future residents a very good standard of recreational amenity, that a variety of play spaces to cater for different age groups are proposed at various locations across the proposed Central Park and in communal open spaces,

and that a MUGA has previously been provided and is operational in Phase 1 of Sea Gardens to the north of and proximate to the project site, it is considered that the proposed development should be granted.

15.0 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 8th day of August 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.	(a) The phasing of the development hereby permitted shall be as submitted with the application as indicated on <i>Drawing No. BRA-HWS-02-ZZ-D-A-10107-P01</i>. (b) No residential and commercial units shall be occupied before completion of the Southern Access Road unless otherwise agreed in writing by the planning authority. Reason: In the interests of orderly development and the proper planning and sustainable development of the area.
3.	The developer shall ensure that all mitigation and monitoring measures set out in the Environmental Impact Assessment Report (EIAR), submitted with the application, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4.	The developer shall ensure that all mitigation and monitoring measures set out in the Natura Impact Statement (NIS), submitted with the application, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions. Reason: To protect the integrity of European Sites.
5.	(a) Bored piling methods only shall be used for the construction of Blocks E, H and I. (b) The developer shall ensure that all mitigation measures set out in the Flood Risk Assessment, submitted with the application, shall be implemented in full. Reason: To protect sensitive ecological receptors including marine and coastal mammals in the vicinity of the site, and in the interest of flood risk management.
6.	Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination. Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.
7.	Prior to the occupation of each commercial and retail unit, the developer shall submit, for the written agreement of the planning authority, details of the proposed hours of operation for each individual unit. Reason: To protect the amenities of the area.
8.	Security shutters, if necessary, for the retail and commercial units shall have their shutter boxes located entirely behind the fascia and no part of the shutters, their supports or fittings shall encroach on the public footpath. The said shutters shall be open mesh or see-through, shall be finished in a single colour and shall not be left unpainted or used for advertising. Reason: In the interests of visual amenity.

9.	All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations. Reason: In the interest of public health and to protect the amenities of the area.
10.	No amplified music or other specific entertainment noise emissions shall be permitted within external areas associated with the public house, the hotel and retail units. Reason: To protect the amenities of residential properties and occupants of the proposed development.
11.	Proposals for the public house, hotel, retail units and other commercial units in terms of identification, numbering scheme, shopfront design and shopfront signage shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The signage shall be lit by external illumination only. Thereafter, all such names, numbering and signage shall be provided in accordance with the agreed scheme. Reason: In the interest of urban legibility.
12.	Appropriate measures to manage cumulative impacts, including noise impacts, during the construction phase shall be submitted and agreed in writing with the planning authority prior to commencement of development. These shall include liaison and regular contact between the site managers of the relevant masterplan phases which may be ongoing at adjacent sites, in addition to the scheduling of work in a cooperative way. Reason: To manage cumulative impacts on sensitive receptors which may arise during the construction phase of the development.
13.	(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs shall

	comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Reason: In the interests of amenity, permeability and traffic and pedestrian safety.
14.	(a) Prior to commencement of development, a Stage 2 Road Safety Audit for the proposed development together with associated entrances, prepared in accordance with Transport Infrastructure Ireland's publication 'Road Safety Audit GE-STY-01027 (2025)', shall be submitted for the written agreement of the planning authority. (b) Prior to commencement of development, a Stage 3 Road Safety Audit for the proposed development together with associated entrances, prepared in accordance with Transport Infrastructure Ireland's publication 'Road Safety Audit GE-STY-01027 (2025)', shall be submitted for the written agreement of the planning authority. Reason: In the interests of amenity and of traffic and pedestrian safety.
15.	The developer shall monitor the proposed southern access junction upon this junction becoming operational, and such monitoring shall accord with the requirements of the planning authority. Where necessary, adjustments shall be made to junction operations as required by the planning authority, and under their supervision Reason: In the interests of traffic and pedestrian safety.
16.	Prior to the occupation of the proposed development a revised Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the proposed development. The Mobility Management Plan

	shall be prepared and implemented by the management company for all units within the development and shall be overseen by an appointed Mobility Manager. Reason: In the interests of encouraging sustainable modes of transport.
17.	(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the mixed use development as indicated and shall be reserved solely for that purpose. The designated residential spaces and commercial/retail spaces shall not be utilised for any other purpose, unless the subject of a separate grant of planning permission. (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the proposed retail/commercial development.
18.	Functioning EV charging stations/points for car parking spaces shall be provided at least in accordance with the requirements of Table 2.2 'Car Charging Point Provision' in Appendix 1 of the Wicklow County Development Plan 2022-2028, and ducting shall be provided for all remaining car parking spaces. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.
19.	Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann. Reason: In the interest of public health.

20.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
21.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Reason: In the interest of visual amenity.
22.	Proposals for a development, estate/street name, house and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s). Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.
23.	(a) A suitably qualified ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of all mitigation and all monitoring measures relating to ecology as set out in the Environmental Impact Assessment Report, the Natura Impact Statement and the Construction Environmental Management Plan. The ecologist shall be present during site construction works.

	(b) Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record. (c) The developer shall submit a report from the ecologist to the planning authority post installation of the lighting scheme, confirming it is operating according to the specification and their satisfaction. Reason: In the interest of nature conservation and the protection of the environment.
24.	(a) Prior to commencement of development, any trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed. (b) No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained. Reason: In the interest of visual amenity and to protect trees and planting during the construction period.
25.	(a) The landscaping design strategy and landscape plan, submitted with the application, shall be implemented within the first planting season following substantial completion of external construction works. (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the planning authority, whichever is the sooner, shall be replaced within the next planting

	season with others of similar size and species, unless otherwise agreed in writing with the planning authority. (c) The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded and landscaped in accordance with the landscaping design strategy and landscape plan submitted to the planning authority. This work shall be completed before any of the residential units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.
26.	Public lighting shall be provided in accordance with the Lighting Report submitted to the planning authority with the application. Such lighting shall be provided prior to the making available for occupation of any residential, commercial or retail unit. Reason: In the interests of amenity and public safety.
27.	The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. All areas not intended to be taken in charge by the Local Authority, shall be maintained by a legally constituted management company. Reason: To provide for the satisfactory future maintenance of this development in the interest of amenity.
28.	Drainage arrangements including the green roof strategy, attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater

	Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement. Reason: In the interest of public health and surface water management.
29.	The development shall comply with the following requirements from Iarnród Éireann: (a) The Railway Safety Act 2005 places an obligation on any third party working near the railway to ensure no danger or hazard is posed to railway operations. Due to the proximity of this site to the railway corridor, the developer must take due consideration of this obligation during the planning and construction of the development. (b) The existing boundary between the development site and the railway corridor must not be removed in any way without seeking prior consent from Iarnród Éireann. (c) At no point should the applicant or their representatives enter railway property, at track level, to undertake the construction of this development. It is imperative that the railway always remains inaccessible to prevent trespassing, both during the construction phase and in the future. This includes safeguarding against unauthorized access, especially through scaffolding or any other means. (d) The development shall not undermine the integrity of the embankment supporting the public road and the bridge structure to the east of the development, for which Iarnród Éireann has a statutory obligation to maintain. (e) No additional liquid, either surface water or effluent shall be discharged to, or allowed to seep onto, the railway property or into railway drains / ditches. (f) Should the development require the use of a crane that could swing over the railway property, then the developer must enter into an agreement with Iarnród Éireann / CIÉ regarding this issue.

	(g) No overhang of any part of the development over the railway property is allowed. (h) Lights from the proposed development, either during the construction phase or when the development is completed, should not cause glare or in any way impair the vision of train drivers or personnel operating on track machines. (i) No deciduous trees are to be planted directly along the railway boundary as they may impair the vision of train drivers or their views of signals. Furthermore, falling leaves and/or leaf litter on rails can adversely affect the operation of trains by causing poor wheel / rail adhesion. (j) The cutting of trees in proximity to the railway line can result in blockage of the railway line. The developer must engage with the Third-Party Co-ordinator at Iarnród Éireann to establish a safe system of work for the completion of such tasks. (k) The railway operates 24 hours a day with maintenance activity taking place at night and during shutdowns of passenger services. The development is in close proximity to the live railway and therefore must take account of the potential noise and vibration impact that an operational railway may have on sensitive receptors. Residential units should be designed, orientated and located to limit the impacts of noise and vibration from transportation traffic and maintenance activities. Reason: In the interest of railway operational safety and ensure a satisfactory standard of development.
30.	A detailed site-specific Operational Waste Management Plan containing details for the management of waste within the apartments, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

	Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.
31.	(i) The construction of the development shall be managed in accordance with a detailed site-specific Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including: (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

	(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority. (n) Develop and implement a public liaison plan and the appointment and responsibilities of a community liaison officer for the duration of the construction period. Reason: In the interest of amenities, public health and safety and environmental protection.
32.	(a) A revised site-specific Final CEMP shall be submitted for the written agreement of the planning authority prior to commencement of development. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures and invasive species management plan. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development. (b) The Final CEMP shall include input from the appointed ecologist for biodiversity elements and shall address the following: (i) All of the mitigation and enhancement measures relating to the subject site, as set out in the EIAR, the NIS, the Landscape Plan / Strategy and Specifications. (ii) The detailed programme for monitoring mitigation and enhancement measures, for agreement with the planning authority.

	Reason: In the interest of environmental protection, residential amenities and public safety.
33.	(i) The developer shall implement the measures detailed within the Resource Waste Management Plan (RWMP) received with the planning application by the planning authority. (ii) Prior to commencement of development, a detailed site-specific RWMP as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. Reason: In the interest of reducing waste and encouraging recycling.
34.	Upon completion of the development, and prior its taking in charge, as constructed drawings of the development, at a scale of 1/500 or larger shall be supplied to the planning authority in a format agreeable to it. They shall show the as constructed position of each site, house, road, watermain (including the location of sluice valves, scour valves, air valves and hydrants), foul and surface water sewers (including gullies, and invert levels of manholes to ordnance datum) and all pipe sizes. They shall also show the Irish National Grid co-ordinates of the four corners of the drawing and shall be relative to the Irish National Grid. Reason: In the interests of the proper management and maintenance of the roads and services.
35.	(a) Prior to the commencement of any house or duplex unit, 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 house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all relevant houses and duplex 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 specified house or duplex unit 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.
36.	Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

	Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.
37.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination. Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.
38.	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.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

John Duffy
Planning Inspector
27th July 2026

Appendix 1

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Normal Planning Appeal Sea Gardens Phase 2 forms part of the Sea Gardens Masterplan and is located on the former Bray Golf Club lands off Ravenswell Road and the Dublin Road, north of Bray town centre in Co. Wicklow. The proposed development is for a mixed use development which may be summarised as follows: - Change of use and development of lands from former golf course use to mixed uses at the site (c 11ha). - 341 no. residential units comprising 94 no. terraced houses, 106 no. duplex units, 109 apartments in Block E (3-15 storeys in height) and 31 apartments in Block H(3-4 storeys in height). - Commercial spaces, retail / retail services spaces, including a childcare facility, medical centre, public house and hotel. - Internal vehicular, cycling, and pedestrian network and linkages to adjoining sites and existing vehicular, cycling and pedestrian networks. - Signage and hard and soft landscaping. - Temporary construction compound, site clearance works, demolition of existing shed on site (160sqm) and all associated site development works. - Closure of vehicle access to the Ravenswell Road from the Dublin Road (R761). The lands are zoned MU – Mixed Use in the Bray Municipal District LAP 2018 with the objective ‘To provide mixed use development.’ <u>Surveys</u>

	The EIAR and the AA Screening Report refer to, and detail site surveys undertaken between 2020 and 2024. No geese species such as Light-Bellied Brent Geese were recorded during 2024 surveys; there was a maximum of 57 no. Mute Swans recorded in Bray Harbour which accommodates a swan sanctuary. Bat surveys were undertaken from May-July 2024 with overall bat activity low. No bat roosts were recorded within the site. No bats were recorded in the 2 oak trees which previously had roosting bats in 2020. An otter survey was conducted along a c.840m stretch of the River Dargle during October 2024; both riverbanks were inspected for otter holts and couches and any other evidence of otter activity. The northern bank comprises a reinforced concrete flood defence wall which would be unsuitable for the establishment of an otter holt, while the opposing bank is man-made and also unsuitable for a holt. No evidence of otter activity was noted during the survey of the c.840m stretch of the lower River Dargle. Site surveys during 2024 identified no badger setts within the proposed development site or within 50m of its boundary. During the summer surveys badger activity was recorded in the form of a badger foraging on a camera trap. Fox and hedgehog were also recorded on the site. No protected habitats, rare or protected plants are present on the site. Habitats are detailed as follows in the AA Screening / NIS and the EIAR: Scattered trees and parkland (WD5): 302 no. trees within the site, the bulk of which may be categorized as scattered trees. For the most part, these are considered to be landscaping features of the former golf course. Treeline (WL2): Approximately 160m in length, comprising predominantly sycamore and poplar species. There are 26 no. trees in this tree line located at the western site boundary. Amenity Grassland (GA2): Predominant habitat on the eastern side of the former golf course. Dry Meadow and Grassy Verges (GS2): Situated at the north-western part of the site. Scrub (WS1): Patches of scrub in the north-western area of the site, primarily made up of bramble.
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	Spoil and Bare Ground (ED2): Man-made spoil piles east of Dwyer Park and within western part of the site. Buildings and Artificial Surfaces (BL3): Artificial surfaces including car park, temporary buildings, existing roadways. 1 Japanese Knotweed plant is located in the western section of the red line boundary.
Brief description of development site characteristics and potential impact mechanisms	The subject site was formerly used as a golf course and is under grass and mixed vegetation, with artificial surfaces also evident across the site. In terms of site topography, the southern and eastern portions of the site are located on low lying level ground, while the ground rises slightly towards the north. The site is prominently located on the Bray waterfront and the River Dargle flows c10m from the southern site boundary into Bray Harbour. The River Dargle Flood Defence Scheme along the watercourse is in place since 2017. The Crinken/Rathmicheal Stream is located c270m to the north of the proposed development and flows under the Irish Rail railway line and discharges into the Irish Sea. There are no surface water features within the subject site. A Construction Environmental Management Plan (CEMP) accompanies the application. Good practice construction site management measures are integrated into the project description. The proposed development will connect to/be serviced by public water supply and wastewater drainage systems. In this context, there is significant existing foul drainage infrastructure within the site. A foul rising main and a trunk foul sewer enter the site at the northern boundary. There are two gravity foul sewers to the south of the site which run west to east where they outfall to the trunk sewers. There is an existing UE underground foul water storage tank close to the western boundary of the site and it is a critical piece of infrastructure associated with Bray Pumping Station which is located south of the River Dargle. The proposed development will be served by a foul sewer with a single outfall to the existing foul line which will discharge to the UE pumping station. Surface water run-off will be collected and attenuated on site and then discharged to the tidal waters of the River Dargle via a surface water outfall pipe on the River Dargle's flood defence wall. SuDS measures include permeable paving,

	green roofs, tree pits, swales, filter drains and a sealed underground concrete attenuation tank. The storm water run-off from the site is to be treated by way of a bypass interceptor prior to discharge to the River Dargle. This measure will provide a final treatment for stormwater run-off prior to discharge to the watercourse.
Screening report	Yes. An AA Screening Report / Natura Impact Statement prepared by Atkins Realis, dated March 2025, was submitted with the planning application.
Natura Impact Statement	Yes.
Relevant submissions	Third party submissions raise the following matters: <u>Swan sanctuary</u> - Concerns regarding increased collision risk to birds including mute swan (resident in nearby Swan Sanctuary in Bray Harbour and migratory species) arising from narrowed flight corridors given proposed tall buildings in Phases 2 and 3 and the proposed bridge. - Adverse impacts of artificial lighting on birds and other species. <u>Flaws in assessment of European Sites and connectivity</u> - NIS excludes Bray Head SAC, The Murrough SPA, and the Dalkey Island Important Bird Area. Potential effects on habitats and species <u>Procedural defects under Article 6(3)</u> - The planning authority treatment of the NIS was flawed and there is no standalone Stage 2 determination on file. - In-combination assessment provided in NIS is based on the incorrect premise that the Bray Sustainable Transport Bridge will not act in combination because it is at design stage. Exclusion of the bridge from the in-combination assessment is contrary to Article 6(3) to include all projects that are functionally connected. <u>Absence of sedimentation and reef impacts</u> - No assessments of plume modelling, suspended sediment thresholds and benthic communities are provided in the NIS. - Intertidal reef habitats exist adjacent to the site as per applicant data.

	<u>Otters and seals: connectivity</u> • Corridor links inland freshwater habitats to coastal feeding grounds. Blocking this route severs population exchange and reduces genetic viability. • The otter foraging and breeding areas along the River Dargle would be disrupted by construction activity, lighting and alteration of the river corridor. • Harbour seals would be disrupted by construction activity. <u>Bats</u> • The current proposed development does not consider the effect on light sensitive bats which forage along the Dargle river of potential light pollution from development overlooking this stretch of the river. <u>Cumulative and in-combination impacts</u> • Other existing, approved, pending, or reasonably foreseeable projects should have been considered including the Sustainable Transport Bridge, Dublin Array Offshore Wind Farm, Irish Rail coastal works, Shanganagh WWTP expansion and flood defence works. In response to these aforementioned concerns, I would note the following, which is also informed by the Technical Note prepared by the ACP Ecologist appended to this Inspector's Report. • There is some inconsistency with the language used in addressing the Article 6(3) legal tests in the reports of the planning authority. This matter is further considered in the Technical Note appended to this report. However, I advise that at appeal stage, An Coimisiún Pleanála is the competent authority to conduct an Appropriate Assessment in order to ensure that there are no adverse effects from the proposed development on any European Site. • In relation to the Mute Swan and collision risk, planning application documentation including the EIAR note that the design of the proposed development including Block E (which is 15 storeys high) minimises factors influencing bird collision risk. Key elements introduced include no large continuous expanses of reflective glass, restricted use of glass, sightlines to planted habitats through glass windows are avoided, and atria and rooftop green spaces are not surrounded by reflective glass to mitigate
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	any likelihood of birds confusing the reflection as an extension of the habitat. As outlined in the ACP Ecologist's Technical Note and AA/NIS, the appeal site is not within a migratory path or commuting flight path between wetland sites and therefore collision risk with the proposed development is not likely to have a significant effect on this species. • In terms of lighting impacts on birds, bats and other species, the EIAR notes that the lighting proposals have been designed in accordance with the Institute of Lighting Professionals Guidance Note 08/23; Bats and Artificial Lighting at Night which considers biodiversity requirements and includes directional lighting to prevent light spillage and light pollution, and all street lanterns will be 2700K LED (warm white). Construction lighting, if required, shall be directed away from all boundary habitats by way of directional lighting. Bat friendly lighting proposed within the Central Park and also along the eastern boundary will facilitate a darker corridor along the eastern ecological buffer zone. The ACP Ecologist's Technical Note finds that lighting proposals will minimise significant effects on bats and wildlife. • In relation to otters, the proposed development does not involve any development which blocks inland freshwater habitats from coastal feeding grounds. There is potential for displacement of otter during construction phase due to noise and vibration. However the appeal site is near a busy urban area with lighting on the promenade between the river and the site. Otter are likely to be used to human generated noise and lighting. Appropriate artificial lighting as detailed above is proposed at the site. Given the extent of the River Dargle flood defence wall it is unlikely that there is suitable otter resting habitat along the stretch of the river adjoining the subject lands. As outlined in the ACP Ecologist's Technical Note, otters are crepuscular where they are generally active during dusk and dawn, and given the proposed construction hours, otter activity may occur during construction hours. No breeding or resting sites for otter were recorded in proximity to the project site. The ACP Ecologist considers that otters would be habituated to noise from human activity and as such concludes that any noise disturbance impacts to otter arising from construction would be temporary, not significant and that the proposed development will not result in significant effects to otter.
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	• The AA Screening/NIS considers that there is no potential for significant effects upon the Reefs QI of Rockabill to Dalkey Island SAC due to the distance of the habitat to the subject site (c.6.5km at its closest point) and the dilution and dispersal effect within the intervening waters. The ACP Ecologist's Technical Note concurs that likely significant effects on the Reefs habitat of this SAC can be excluded. • Third party submissions suggest that non-designated intertidal reef habitats and benthic communities are found proximate to the subject site and may be threatened by the proposed development from sedimentation during the construction stage. Indirect impacts from discharge of treated foul effluent at operational stage are ruled out as the effluent is treated at Shanganagh WWTP prior to discharge and given the dilution and dispersal which will occur in the Irish Sea. Shanganagh WWTP has been upgraded and subject to AA and no adverse effects on the integrity of any European Site was identified in that process. The River Dargle flood defence scheme was completed in 2017 and as such the risk of large volumes of runoff from the site reaching the watercourse and Irish Sea is very limited. Proposed works consist of the installation of a surface water outfall pipe through the existing flood defence wall and at operational stage surface water from the development will out fall to the river. Appropriate site specific details are provided for the construction of the surface water drainage outfall installation works. Surface water management at operational stage includes several SuDS feature which reduce potential for contamination of the River Dargle. Having regard to the foregoing adverse impacts arising on intertidal reef habitats in the vicinity of the proposed development at construction and operational stages are not anticipated. • Noise and vibration impacts are detailed in Chapter 10 of the EIAR, while piling is discussed in section 6.4.1.2. Piling will be required for the foundations in Blocks E, H and I. The specific type of piling method and number of piles to be installed are not detailed in the application. The ACP Ecologist's Technical Note includes analysis of piling works in terms of effects on the Harbour porpoise, a QI of the Rockabill to Dalkey Island SAC. This Technical Note recommends that as the specific piling method and number of piles are not outlined in application documents, only bored piling methods should be used for Blocks E,H and I. As detailed in the Technical Note, at a 100m distance from the source, noise levels
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	are expected to be 56 dB, approaching local daytime ambient noise levels. As such, significant effects from disturbance and displacement of coastal and marine mammals are unlikely from this particular type of piling. Should permission be granted I recommend that this matter be conditioned. • There is potential for disturbance of seals during construction phase due to noise and vibration. Seals may enter the harbour to feed or escape from predators. However the appeal site is near a busy urban area, including Bray harbour which is heavily used by the public. Harbour seals are likely to be habituated to human generated noise and noise and vibration from the railway / DART line bounding the eastern side of the site and which runs immediately west of the harbour. The inclusion of the recommended condition as outlined by the ACP Ecologist relating to the specific type of piling (bored piling) to be used will mean that significant effects on marine mammals including seals are unlikely. • On foot of third party submissions and the proximity of the site to the I-WeBS site, count site OT907, the ACP Ecologist has reviewed the Species of Conservation Interest of SPAs within the Zone of Influence and the scientific information provided in the application documents pertaining to birds within and in proximity to the subject site, (see Section 3.5 of the Technical Report below). On foot of the analysis undertaken it is considered that collision risk with the proposed development is not likely to have a significant effect on SCI species and that while the proposed development will result in a loss of resting habitat for a comparatively small number of common gulls, coastal grasslands are found near the site and would provide alternative habitat for the species. As such it is concluded that the proposed development is not likely to have a significant effect on the SPAs. I concur with this finding. Further, based on the applicant's AA Screening Report and on the commentary contained within Table 5-1 therein, I am satisfied that the potential for impacts on any other European Sites can be excluded at preliminary stage. • In relation to in combination effects of other plans and projects, these are presented in Section 6.3 of the NIS and summarised in Table 6-1. While third party submissions state that some projects should have been considered (including the River Dargle flood defence works, the Bray Sustainable Bridge, the Dublin Array Offshore Wind Farm, the Codling Wind Farm, Irish Rail
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	coastal works and the Shanganagh WWTP expansion), I would note the following, which is also informed by the ACP Ecologist's Technical Note in Appendix 4: - The flood defence works completed in 2017 are a long-completed project and forms part of baseline conditions rather than part of the in-combination assessment. - The Bray Sustainable Bridge is assessed under Section 6.3.6 of the NIS. - The Dublin Array Offshore Wind Farm and the Codling Wind Park have both been submitted to An Coimisiún Pleanála, and will be subject to Appropriate Assessment, however a determination has not yet been made on these projects. Third party submissions do not elaborate on why in-combination impacts would occur. I do not consider that the proposed development would result in in-combination impacts in terms of the aforementioned projects. - I interpret reference by third parties to 'Irish Rail coastal works to mean the proposed DART+ Coastal South Project which will form the final infrastructural project of the DART+ Programme enabling an increase in both passenger capacity and frequency of train services on the southern line. Appropriate screening reports for both EIA (Environmental Impact Assessment) and AA (Appropriate Assessment) will be prepared to determine whether any consent applications need to be accompanied by an EIAR or AA Report. If an EIA or AA is required, the EIAR and/or AA Reports will be prepared for the consent application. Consent for this project has not been sought as yet. - Shanganagh WWTP has been upgraded in recent years and forms part of baseline conditions rather than part of the in-combination assessment. Wastewater from the proposed development will be discharged to the foul sewer network, which will discharge into the Irish Sea at Killiney following treatment at Shanganagh WWTP. The UÉ Capacity Register for Wicklow (published in April 2026) indicates the Shanganagh WWTP has spare capacity available. UÉ's Annual Environment Report (AER) for 2023 notes that the WWTP is compliant with the Emission Limit Values (ELVs) set in the Wastewater Discharge Licence. The AER for 2023 states that the discharge from the wastewater treatment plant does not have an observable impact on the water quality and also
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	does not have an observable impact on the Water Framework Directive status.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The AA Screening Report identifies 14 no. European Sites within the potential Zone of Influence of the proposed development consisting of 9 no. SAC's and 5 no. SPA's. These are as follows: Bray Head SAC (000714), Rockabill to Dalkey Island SAC (003000), Ballyman Glen SAC (000713), Knocksink Wood SAC (000725), Glen of the Downs SAC (000719), Wicklow Mountains SAC (002122), South Dublin Bay SAC (000210), The Murrough Wetlands SAC (002249), Cariggower Bog SAC (000716), South Dublin Bay and River Tolka Estuary SPA (004024), The Murrough SPA (004186), Dalkey Islands SPA (0004172), Wicklow Mountains SPA (004040), and North-West Irish Sea SPA (004236).

Tables 5-1 in the AA Screening Report set out the Qualifying Interests (QIs) of each European Site, the approximate distance from the project site and the applicant's screening comments in respect of each one.

The applicant's screening report concludes that the only two sites that require further consideration are the **Rockabill to Dalkey Island SAC** (Site Code 003000) located approximately 4.1km from the project site and the **Wicklow Mountains SAC** (Site Code 002122) located approximately 7.5km from the project site. Based on the applicant's AA Screening Report and on the commentary contained within Table 5-1, I concur with this conclusion and I am satisfied, based on the reasons outlined in Table 5-1 of the AA Screening Report and on the Technical Report of the ACP Ecologist (set out below), that the potential for impacts on any other European Sites can be excluded at preliminary stage.

European Site (code)	Qualifying interests ¹ (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Rockabill to Dalkey Island SAC (003000)	Reefs [1170] Phocoena phocoena (Harbour porpoise) [1351] NPWS Site accessed on 16.6.26	c 4.1km	No direct overlap between project site and this SAC. QI habitats and species do not occur within the project site. Proposed construction activities include small scale works on the banks of the River Dargle and surface water from the proposed development will	Y

			outfall to the River Dargle and Irish Sea. Therefore, there is potential indirect connectivity to the QIs of this SAC via the River Dargle and the Irish Sea. At operational stage wastewater from the proposed development site will be treated at Shanganagh WWTP. Therefore, there is indirect hydrological connectivity to the QIs of this SAC from discharged treated waters from Shanganagh WWTP. Given the mobile nature of the QI species, Harbour porpoise, there is potential indirect connectivity should this species occur in marine waters outside the SAC, proximate to Bray Harbour. Harbour porpoise have been recorded within the coastal waters around Bray Harbour. Porpoise prey on aquatic species which are, in turn, dependent on good water quality.	
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Wicklow Mountains SAC (002122)	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210]	c 7.5km	No direct overlap between project site and this SAC. QI habitats and species do not occur within the project site. This SAC is c 14km upstream of the project site; otters are a QI species associated with this SAC. Based on a precautionary approach, ex-situ QI otters from this SAC may commute 14+km downstream to the estuarine waters of the River Dargle in Bray town. Given the mobile nature of the QI species, otter, there is potential indirect connectivity should this species occur in estuarine waters of the River Dargle in Bray town, outside the SAC.	Y
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	Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355] NPWS Site accessed on 16.6.26			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Sources of impact and likely significant effects are detailed in the Table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Rockabill to Dalkey Island SAC (003000) Phocoena phocoena (Harbour porpoise) [1351]	Direct Impacts The proposed development is not located within or adjoining this SAC. Therefore, there will be no direct impacts on this SAC, i.e., no displacement of species, or the permanent removal of habitat supporting qualifying interest and ecological features of the designated site. Indirect Impacts Indirect pathway via surface water to Rockabill to Dalkey Island SAC; surface water from proposed development will outfall to the River Dargle and Irish Sea. Proposed construction activities on the banks of the River Dargle; potential for release of silt / sediment / hydrocarbons to river / sea during this period.	Given the mobile nature of the QI species, Harbour porpoise, there is potential indirect connectivity should this species occur in marine waters outside the SAC, proximate to Bray Harbour. Therefore, there are potential effects on water quality and food availability within the Zone of Influence of the proposed development.

Reefs [1170]	At operational stage of the proposed development foul waters will be treated at Shanganagh WWTP and will subsequently outfall to the Irish Sea; as such there is indirect connectivity to the Rockabill to Dalkey Island SAC. This remaining habitat / QI of the SAC is located outside the Zone of Influence of the proposed development and no direct or indirect impacts will occur to this habitat.	
Site 2: Wicklow Mountains SAC (002122) Lutra lutra (Otter) [1355]	Direct Impacts The proposed development is not located within or adjoining this SAC. Therefore, there will be no direct impacts on this SAC, i.e., no displacement of species, or the permanent removal of habitat supporting qualifying interest and ecological features of the designated site. Indirect Impacts Given the mobile nature of the QI species, otter, there is potential indirect connectivity (as detailed below) should this species occur in estuarine waters of the River Dargle in Bray town, outside the SAC. In this context, surface water run-off from the proposed development will outfall to the River Dargle (and Irish Sea); as such there is a hydrological connection from the site to these waters. Proposed construction activities on the banks of the River Dargle have potential for release of silt / sediment / hydrocarbons the River Dargle during this period. Having regard to the foregoing there is potential for degradation of water quality in the River Dargle to be	Ex-situ QI otters from this SAC may commute 14+km downstream to the estuarine waters of the River Dargle in Bray town. Given the mobile nature of the QI species, otter, there is potential indirect connectivity should this species occur in estuarine waters of the River Dargle in Bray town, outside the SAC. Therefore, there are potential effects on water quality and food availability within the Zone of Influence of the proposed development.

	diminished, potentially affecting the conservation objectives of QI species otter.	
Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with	The remaining habitats / QIs of this SAC are located outside the Zone of Influence of the proposed development and no direct or indirect impacts will occur to this habitat.	

chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]		
Yes	Likelihood of significant effects from proposed development (alone) in relation to Rockabill to Dalkey Island SAC and Wicklow Mountains SAC Yes / No	
Yes – in relation to the Conservation Objectives of the Wicklow Mountains SAC	Possibility of significant effects (alone) in view of the conservation objectives of the sites*: Yes / No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided in the AA Screening Report, my site visits, review of the relevant conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, it cannot be ruled out that the proposed development has the potential to result in significant effects through construction phase impacts on (i) the Harbour porpoise, QI species of the Rockabill to Dalkey Island SAC, and (ii) the otter, QI species of the Wicklow Mountains SAC. I concur with the findings of the AA Screening that in the absence of additional measures, it is not possible to screen out likely significant effects on the Rockabill to Dalkey Island SAC QI species, Harbour Porpoise. I note also that the AA Screening has brought forward the Wicklow Mountains SAC QI species, otter, to the Stage 2 Appropriate Assessment on a precautionary basis and I agree with this approach. I note also that the Technical Note received from the ACP Ecologist considers that all relevant European sites within the Zone of Influence of the subject site have been considered in the AA Screening.		

Appendix 2

Appropriate Assessment

The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed mixed use development consisting of 341 no. residential units, commercial and retail spaces (including childcare facility, medical centre and hotel) and associated development on part of the former Bray Golf Club lands, in view of the relevant conservation objectives of the Rockabill to Dalkey Island SAC (site code 003000) and the Wicklow Mountains SAC (site code 002122) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement
- Appropriate Assessment Screening
- Environmental Impact Assessment Report
- National Parks and Wildlife website
- Stormwater Impact Assessment
- Flood Risk Assessment
- Construction Environment Management Plan

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

See section titled 'Relevant submissions' in Appendix 1 of this Inspector's Report.

Rockabill to Dalkey Island SAC (Site Code: 003000)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (Construction and Operation phases)

(ii) Indirect Noise and Vibration (Construction phase)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Phocoena phocoena (Harbour Porpoise) [1351]	To maintain the favourable conservation condition of Harbour porpoise in Rockabill to Dalkey Island SAC.	<u>Construction Phase</u> Indirect impacts via surface water run off during construction phase. Potential impacts to the surface water quality of the River Dargle, which could in turn affect QI species Harbour porpoise. Indirect impacts during construction phase via groundwater. However, given the location, nature and scale of the proposed development, potential impacts through groundwater pathways and then onto the Irish Sea, affecting the CO of QI species Harbour porpoise are not considered likely. Indirect noise and vibration impacts (piling works). Such works will occur at least 100m from the coastline. Piling works could result in noise and/or vibration related disturbance impacting the QI species, Harbour porpoise. <u>Operational stage</u> Indirect impacts from discharge of storm water/surface water. Surface water design includes a variety of SuDS measures, a	- Construction management of site to take account of recommendations of the following CIRIA Guidelines to minimise as far as possible the risk of pollution (<i>Control of Water Pollution from Construction Sites; Groundwater Control-Design and Practice; Environmental Good Practice on Site</i>). - Works to follow best practice guidance as set out in Guidelines on the Protection of Fisheries during Construction Works in and Adjacent to Waters (IFI, 2016). - On foot of ACP Ecologist's Technical Note, it is recommended, if permission is granted, that a condition be included that only bored piling methods to be used for Blocks E,H and I. As detailed in the Technical Note, at a 100m distance from the source, noise levels are expected to be 56 dB, approaching local daytime ambient noise levels. As such, significant effects from disturbance and displacement of coastal and marine and coastal mammals are unlikely from this particular type of piling. - Existing drainage network will be suitably protected through use of

		bypass interceptor and flow control devices. It is considered that rainfall/surface water run-off will not result in adverse water quality impacts to the River Dargle. Therefore, likely significant effects to the QI Harbour porpoise or their prey species from operational phase surface water drainage will not occur. At operational stage foul waters (treated at Shanganagh WWTP) will outfall to the Irish Sea. As such there is indirect connectivity to the Rockabill to Dalkey Island SAC. This WWTP has been subject to AA. The Irish Water Report, NIS as part of the Shanganagh-Bray Licence Review indicates there will be no anticipated effects to the SAC. Due to treated nature of the effluent, the dilution and dispersal effect which will occur in the Irish Sea, no impacts on QI species, Harbour porpoise are expected.	physical barriers and/or implementation of a site-specific water run-off management plan as required. - A response procedure to be implemented to deal with any accidental pollution events; ○ All site vehicles to be refuelled in bunded, sealed and covered areas in construction compound area. ○ All oil stored on site for vehicles to be kept in a locked and bunded area. ○ Generators, pumps and similar plant placed on drip-trays to prevent contamination. ○ Temporary fuel tanks located in bunded area and to be double skinned. Oil absorbent material to be near any fuel storage tanks or bowzers during works. ○ Fuel/oil deliveries to site storage tanks to be supervised and dates and volumes to be recorded. - To prevent potential surface water impacts through release of cementitious materials, measures below to be implemented where poured concrete is used on-site: ○ The production, transport and placement of all cementitious materials to be strictly planned. Site batching
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			/concrete production will not be carried out on site. ○ Shutters designed to prevent failure. Grout loss to be prevented from shuttered pours by checking all joints achieve a close fit/or that they are sealed. ○ Any spillages cleaned up/correctly disposed of. ○ Where concrete is to be placed by means of a skip, the opening gate of the delivery chute will be securely fastened. ○ Concrete skips, pumps and machine buckets will be prevented from slewing over water when placing concrete. ○ Mixer washings/excess concrete will not be discharged directly to drainage network or any drainage ditches, surface water bodies or exposed groundwater. ○ Surplus concrete returned to batch plant after pour completion. Surface water drainage outfall installation works These works on the River Dargle's flood defence wall will include the following measures: - The methodology of the works shall follow that used during Phase 1 for outfall pipe installation. - The defence wall will remain in situ and intact
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			whilst the promenade path and subbase materials on the north side of the wall are excavated to create a pipeline route. There will be no breaking up of the flood defence wall itself. - A working platform will be hung (above water level) from the flood defence wall on the river channel side to create a work area for core drilling through the flood defence wall. The scaffolding framework will be covered to prevent rainfall ingress and dust and debris egress from the working platform area. - The flood defence wall will be core drilled (225mm diameter) from the platform in the landside direction so that no drilled materials fall into the river channel. - The outfall pipe will be installed through the hole and grouted followed by bolting on the non-return valve. - Excavations within or above the river not permitted. - No mechanical equipment other than the core drill to be used above river channel. - No cement or viscous substances, bar grouting material shall be used above the river channel.
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Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation

Given the mobile nature of the QI species, Harbour porpoise, there is potential indirect connectivity should this species occur in marine waters outside the SAC, proximate to Bray Harbour. Harbour porpoise have been recorded within the coastal waters around Bray Harbour. Porpoise prey on aquatic species which are in turn dependent on good water quality.

Water quality degradation is the main risk from unmanaged site works where silt laden surface water enters the Dargle River and Irish Sea which are indirectly connected to the Rockabill to Dalkey Island SAC. Decreased water quality / increased sediment could alter habitat qualities and impact aquatic species dependent on good water quality which the Harbour porpoise feed on.

(ii) Noise and Vibration

Harbour porpoise have been recorded within the coastal waters around Bray Harbour. Piling works during construction phase could result in indirect noise and/or vibration related disturbance impacting the QI species, Harbour porpoise.

Mitigation measures and conditions

Standard and Best Practice Construction Measures and specific construction stage mitigation measures set out in 6.4.1 of the NIS (which are summarised above). It is noted that there is no potential for likely significant effects on any European Site when the proposed development will be in use and that as such no operational phase mitigation measures are required. I concur with this conclusion. I note that the Technical Note from the ACP Ecologist considers that proposed mitigation measures during construction and operation phases of the proposed development are comprehensive and appropriate to the nature and scale of the proposed works.

The Technical Note also recommends inclusion of a condition that only bored piling methods are to be used for Blocks E,H and I. As detailed in the Technical Note, at a 100m distance from the source, noise levels are expected to be 56 dB, approaching local daytime ambient noise levels. As such, significant effects from disturbance and displacement of marine and coastal mammals, including Harbour porpoise are unlikely from this particular type of piling. I concur that such a condition is appropriate should permission be granted.

Mitigation measures set out within the NIS submitted are captured in Condition 4 of my recommendation.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in section 6.3 of the NIS. Table 6-1 details ten developments which have been further assessed in terms of in-combination effects with the proposed development and the associated in-combination assessment for each project satisfactorily demonstrates that in-combination effects

associated with the proposed development on European Sites will not occur. A potential future project, the Bray Sustainable Transport Bridge, likely to be located adjacent to the proposed development, is also assessed for in-combination effects. It is noted that the proposed bridge will require an EIAR, and that bridge works will not occur at the same time as the proposed development's riverbank works. It is concluded that the two projects will not act in combination to give rise to likely significant effects on any European Site. To conclude, the applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site or any other European Site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European Sites considered in the Appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation Objectives of the Rockabill to Dalkey Island SAC (site code 003000). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Wicklow Mountains SAC (site code 002122):

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation

(ii) Indirect Noise and Vibration (Construction phase)

Qualifying Interest features	Conservation Objectives	Potential adverse effects	Mitigation Measures (summary)
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likely to be affected			
Lutra lutra (Otter) [1355]	To maintain the favourable conservation condition of Otter in Wicklow Mountains SAC.	<u>Construction Stage</u> Potential for construction works to affect the water quality of the River Dargle arises from installation of the surface water drainage outfall at the flood defence wall. Indirect noise and vibration impacts (piling works). Piling works could result in noise and/or vibration related disturbance impacting the ex-situ QI species, Otter. <u>Operational Stage</u> Indirect impacts from discharge of storm water/surface water. Surface water design includes a variety of SuDS measures, a bypass interceptor and flow control devices. It is considered that rainfall/surface water run-off will not result in adverse water quality impacts to the River Dargle. Therefore, likely significant effects to the QI otter or their prey species from operational phase surface water drainage will not occur. At operational stage foul waters (treated at Shanganagh WWTP) will outfall to the Irish Sea c 4km north of the River Dargle. As such there is no potential for any effects to the aquatic environment of	See summary of Construction Phase Mitigation Measures above.

		the River Dargle or otters within the river.	
Assessment of issues that could give rise to adverse effects in view of conservation objectives (i) Water quality degradation Given the mobile nature of the QI species, otter, there is potential indirect connectivity should this species occur in the River Dargle, outside the SAC, proximate to Bray Harbour. Otters are carnivores and prey on aquatic wildlife which are in turn dependent on good water quality. Water quality degradation is the main risk from unmanaged site works where silt laden surface water enters the Dargle River, the mouth of which is situated some 14km from the Wicklow Mountains SAC. Decreased water quality / increased sediment could alter habitat qualities and impact aquatic species dependent on good water quality which the otter feeds on. (ii) Noise and Vibration The subject site is feasibly within otter territory range and there is potential for ex-situ effects to the SAC. Piling works during construction phase could result in indirect noise and/or vibration related disturbance impacting the QI species, Otter. Mitigation measures and conditions Standard and Best Practice Construction Measures and specific construction stage mitigation measures are set out in section 6.4.1 of the NIS (which is summarised above). It is noted that there is no potential for likely significant effects on any European Site when the proposed development will be in use and that as such no operational phase mitigation measures are required. I concur with this conclusion. I note that the Technical Note from the ACP Ecologist considers that proposed mitigation measures during construction and operation phases of the proposed development are comprehensive and appropriate to the nature and scale of the proposed works. The Technical Note also recommends inclusion of a condition that only bored piling methods are to be used for Blocks E,H and I. As detailed in the Technical Note, at a 100m distance from the source, noise levels are expected to be 56 dB, approaching local daytime ambient noise levels. As such, significant effects from disturbance and displacement of marine and coastal mammals, including Otter are unlikely from this particular type of piling. I concur that such a condition is appropriate should permission be granted. Mitigation measures set out within the NIS submitted are captured in Condition 5 of my recommendation.			
In-combination effects I am satisfied that in-combination effects has been assessed adequately in section 6.3 of the NIS. Table 6-1 details ten developments which have been further assessed in terms of in-combination effects with the proposed development and the associated in-combination			

assessment for each project satisfactorily demonstrates that in-combination effects associated with the proposed development on European Sites will not occur. A potential future project, the Bray Sustainable Transport Bridge, likely to be located adjacent to the proposed development, is also assessed for in-combination effects. It is noted that the proposed bridge will require an EIAR, and that bridge works will not occur at the same time as the proposed development's riverbank works. It is concluded that the two projects will not act in combination to give rise to likely significant effects on any European Site. To conclude, the applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site or any other European Site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European Sites considered in the Appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation Objectives of the Wicklow Mountains SAC (site code 002122). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500165-WW	Townland, address	Site largely within former Bray Golf Club lands, off Dublin Road and Ravenswell Road, Bray, Co. Dublin.
Description of project		Sea Gardens Phase 2 forms part of the Sea Gardens Masterplan. The proposed development is for a mixed use development which may be summarised as follows: • Change of use and development of lands from former golf course use to mixed uses at the site (c 11ha). • 341 no. residential units comprising 94 no. terraced houses, 106 no. duplex units, 109 apartments in Block E (3-15 storeys in height) and 31 apartments in Block H(3-4 storeys in height). • Commercial spaces, retail / retail services spaces, including a childcare facility, medical centre, public house and hotel. • Internal vehicular, cycling, and pedestrian network and linkages to adjoining sites and existing vehicular, cycling and pedestrian networks. • Signage and hard and soft landscaping. • Temporary construction compound, site clearance works, demolition of existing shed on site (160sqm) and all associated site development works. • Closure of vehicle access to the Ravenswell Road from the Dublin Road (R761).	
Brief site description, relevant to WFD Screening,		The subject site, located near the coast, was formerly used as a golf course and is under grass and mixed vegetation, with artificial surfaces also evident across the site. In terms of site topography, the southern and eastern portions of the site are located on low lying level ground, while the ground rises slightly towards the north. The site is prominently located on the Bray waterfront and the River Dargle flows c 10m south into Bray Harbour. The River Dargle Flood	

	Defence Scheme along the watercourse is in place since 2017. The Crinken/Rathmicheal Stream is located c270m to the north of the proposed development and flows under the Irish Rail railway line (beyond the eastern site boundary) and discharges into the Irish Sea.
Proposed surface water details	Several SuDS features to manage stormwater and surface water run-off including permeable paving, filter drains (rear gardens), swales, tree pits, green roofs, green courtyards. Surface water run-off from the proposed development will outfall to the tidal waters of the River Dargle, which flows c10m to the south of the site. Storm water runoff from the site will be treated through the use of a Bypass Interceptor prior to discharge to the River Dargle.
Proposed water supply source & available capacity	Water supply is from the public main. A Confirmation of Feasibility has been issued to the applicant advising that water connection is feasible without infrastructure upgrades.
Proposed wastewater treatment system & available capacity, other issues	Wastewater from the proposed development will be discharged to the foul sewer network, which will discharge into the Irish Sea at Killiney following treatment at Shanganagh WWTP. The UÉ Capacity Register for Wicklow (published in April 2026) indicates the Shanganagh WWTP has spare capacity available. The Plant Capacity PE is now 186,000 following its recent upgrade and there is potential to increase capacity to 248,000 in the future. UÉ's Annual Environment Report (AER) for 2023 notes that the WWTP is compliant with the Emission Limit Values (ELVs) set in the Wastewater Discharge Licence. The AER for 2023 states that the discharge from the wastewater treatment plant does not have an observable impact on the water quality and also does not have an observable impact on the Water Framework Directive status.
Other issues	No.

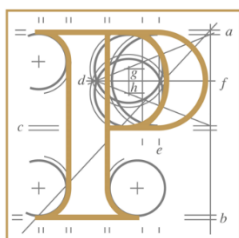
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Surface water body - River	c 10m to the south and c 270m to the north	Dargle_040 IE_EA_10D010300	Good	Not at Risk	No significant issues or pressures identified	Surface water run-off, drainage.
Surface water body – Estuary/Transitional	c 50m to the south-east	Dargle Estuary IE_EA_110_0100	Moderate	Under Review	No significant issues or pressures identified	Surface water run-off; Urban wastewater.
Groundwater body	Underlying site	Wicklow IE_EA_G_076	Good	At Risk	Agriculture pressures; Anthropogenic pressures.	Drainage to groundwater

Coastal		c108m to the east	Southwestern Irish Sea – Killiney Bay (HA10) IE_EA_100_0000	Good	Not at Risk	No significant issues or pressures identified	Surface water run-off; Urban wastewater.
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	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact / what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	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_10D010300	Surface water runoff	Surface water pollution / Hydrocarbon spillages / Potential for silt to enter watercourse.	Standard Construction Practices / CEMP mitigation measures / NIS mitigation measures / EIAR mitigation measures.	No. Appropriate mitigation is proposed.	Screened out

2.	Surface Estuary / Transitional	Dargle Estuary IE_EA_110_0100	Surface water runoff	Surface water pollution / Hydrocarbon spillages / Potential for silt to enter estuary.	Standard Construction Practices / CEMP mitigation measures / NIS mitigation measures / EIAR mitigation measures. Distance to estuary.	No. Appropriate mitigation is proposed.	Screened out
3.	Groundwater	Wicklow IE_EA_G_076	Pathway exists – discharge to ground	Deterioration in groundwater quality.	Standard Construction Practices / CEMP mitigation measures / NIS mitigation measures/ EIAR mitigation measures.	No. Appropriate mitigation is proposed.	Screened out
4.	Coastal	Southwestern Irish Sea – Killiney Bay (HA10) IE_EA_100_0000	Surface water runoff.	Surface water pollution / Hydrocarbon spillages / Potential for silt to enter coastal waters.	Standard Construction Practices / CEMP mitigation measures / NIS mitigation measures/ EIAR	No. Appropriate mitigation is proposed.	Screened out

					mitigation measures. Distance to sea.		
OPERATIONAL PHASE							
1.	Surface	Dargle_040 IE_EA_10D01 0300	Surface water runoff.	Pollution	Primarily SuDS features. Surface water will be attenuated prior to outfall.	No. This is a standard mixed use development.	Screened out
2.	Surface Estuary / Transitional	Dargle Estuary IE_EA_110_01 00	Surface water runoff. Urban wastewater	Pollution	Sufficient capacity in public system to cater for wastewater. Treatment mechanism of WWTP.	No. This is a standard mixed use development.	Screened out
3.	Groundwater	Wicklow IE_EA_G_076	Discharge to ground	Hydrocarbon spillages	Standard operational management.	No. This is a standard mixed use development.	Screened out
4.	Coastal	Southwestern Irish Sea – Killiney Bay (HA10)	Surface water runoff Urban wastewater	Pollution	Primarily SuDS features. Surface water will be	No. This is a standard mixed use development.	Screened out.

		IE_EA_100_00 00			attenuated prior to outfall. Sufficient capacity in public system to cater for wastewater. Treatment mechanism of WWTP.		
DECOMMISSIONING PHASE							
Decommissioning is not anticipated as this is a permanent mixed-use development.							



An
Coimisiún
Pleanála

Appendix 4

500165-WW Technical Note

Development

A mixed-use development comprising 341 residential units, commercial and retail spaces at the former Bray Golf Club lands.

Location

Bray, Co. Wicklow

Planning Authority

Wicklow County Council

Type of Application

1st Party Appeal and 3rd Party Appeal

Ecologist

Paula Kearney

Inspector

John Duffy

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16.0 Introduction

16.1. Background

16.1.1. Case reference ACP-500165-25 relates to first and third party appeals for development of a mixed-use development comprising 341 residential units, commercial and retail spaces at the former Bray Golf Club lands. The Planning Authority, Wicklow County Council's Case Reference: 25/60207.

16.2. Site Location and Description

16.2.1. The subject site is within the former Bray Golf Club lands in Bray, County Wicklow.

16.2.2. The proposed mixed-use development generally comprises the following elements:

- Change of use and development of lands from former golf course use to mixed use to include residential, commercial and retail at the site (c 11ha).
- A mixed-use development comprising residential units, commercial spaces (gross floor area c 10,778sqm), retail / retail services spaces (gross floor area c 8155sqm), car and bicycle parking, open spaces and associated supporting infrastructure.
- 341 residential units (see Table 2.2) as follows:
 - 94 no. terraced houses (2-3 storeys in height).
 - 106 no. duplex own-door units (2-3 storeys in height).
 - 109 no. apartments in Block E (3-15 storeys in height).
 - 32 no. apartments in Block H (3-4 storeys in height).
- Each house and duplex unit to have its own refuse storage. All Block E apartments have internal refuse storage and access to a refuse storage area on the undercroft floor level. All Block H apartments have access to 2 no. internal refuse storage areas at ground floor level.
- The commercial and retail / retail services component will consist of:

- Block E: 1 no. public house (c 804sqm), 2 no. retail units (c 908sqm in total).
 - Block G: (1-2 storeys in height): 3 no. retail units (c 2,550 sqm in total).
 - Block H: 1 no. medical centre (c 706sqm), 1 no. childcare facility (c 762sqm) and 1 no. retail unit (c 94sqm).
 - Block I: (3-7 storeys in height): 1 no. hotel with 150 rooms (c 10,016sqm) with pool and wellbeing centre, (c 1,169sqm), wedding/function venue (c 633sqm), rooftop restaurant (c 883 sqm) and 1 no. retail unit (c 408sqm).
- Internal vehicular, cycling, and pedestrian network and linkages to adjoining sites and existing vehicular, cycling and pedestrian networks.
 - Refuse storage areas for commercial and retail/retail services spaces in Blocks E, G, H and I.
 - Ancillary plant, 3 no. electrical substation kiosks and substation/switch rooms in Blocks E, G, H and I.
 - Public lighting, drainage arrangements, utility connections and PV panels in Blocks E, H and I.
 - Signage and hard and soft landscaping.
 - Temporary construction compound, site clearance works, demolition of existing shed on site (160sqm) and all associated site development works.
 - Closure of vehicle access to the Ravenswell Road from the Dublin Road (R761).
 - Amend previously permitted development (PA Reg. Ref. 2460455) to include construction of a new access at Dublin Road / Upper Dargle Road junction and modifications to the associated permitted landscaped area.

16.3. Sope of Report

16.3.1. The Commission's Planning Inspector requested a report from ecologists, dated 24th April 2026, to review the application documentation with respect of the following:

- 1) Review of the information presented by the applicant in the Biodiversity Chapter of the EIAR and identify if there are any discrepancies with the NIS.
- 2) Have all the relevant European Sites have been examined for the purpose of AA.
- 3) Third parties have raised the following issues:
 - i. The application acknowledges the presence of mute swans, otter and feeding of wintering waders in intertidal areas. No assessment was conducted for disturbance, displacement, barrier effects, loss of foraging habitat, sedimentation, vibration and lighting impacts. Is the information presented by the applicant sufficient having regard to the nature of the proposed development?
 - ii. While the applicant submitted an NIS the planning authority screened out Stage 2. Third parties are seeking a review of the screening determination. Appellants consider that mitigation measures were relied upon. Please advise.
 - iii. The Bray Sustainable Transport Bridge was not included in the in-combination assessment. Should this be considered?
 - iv. No assessments of plume modelling, suspended sediment thresholds and benthic communities are provided in the NIS. Third parties consider additional studies on the marine environment are required in this context. They suggest the intertidal reef habitats in proximity to the site could be threatened by the proposed development arising from sedimentation during construction, and benthic communities could be affected. Please comment.

- v. Concerns raised regarding the corridor link for otters between their inland freshwater habitats and coastal feeding grounds could be interfered with. Please comment. There are also concerns that their foraging and breeding areas could be disrupted by construction activity, noise and lighting. Please comment.
- vi. The EIAR refers to previous bat surveys. The 2022-2024 surveys recorded three transects on the development site, however there are third party concerns that this does not relate to the stretch of the River Dargle which adjoins phase 3 development where apartment blocks are proposed. There are also concerns raised that the current proposed development does not consider the effect on light sensitive bats which forage along the River Dargle of potential light pollution from development overlooking this stretch of the river. Please comment. Has impact of lighting been considered on bats.
- vii. Article 6(3) requires assessment with other existing approved, pending, or reasonably foreseeable projects and the third parties consider these should have been considered:
 - Dublin Array Offshore Wind Farm
 - Shanganagh WWTP expansion
 - Flood defence works
 - Please comment.
- viii. Third parties consider the EIAR does not acknowledge the estuarine stretch of the River Dargle as an important habitat and waterbird refuge and an important flightpath. Please comment.

16.3.2. My assessment, as directed by the Planning Inspector, responds to their request, as set out under Section 1.3.1 above.

16.3.3. This report includes a review of the application documentation including the Environmental Impact Assessment Report (EIAR) Biodiversity Chapter 5 (including other EIAR Chapters and appendices relevant to Biodiversity),

Appropriate Assessment (AA) Screening Report, Natura Impact Statement (NIS), third party submissions, drawings and design details on file.

- 16.3.4. My assessment regarding the concerns raised by statutory bodies and third parties in their submissions as they relate to Biodiversity, AA Screening and NIS are outlined in the following sections.
- 16.3.5. In my capacity of Senior Ecologist, with over 25 years professional experience, I have the relevant expertise to advise on the Appropriate Assessment and biodiversity for the proposed appeal.
- 16.3.6. Third party submissions state that no assessment was conducted for disturbance, displacement, barrier effects, loss of foraging habitat, sedimentation, vibration and lighting impacts to mute swans, otter, bats and feeding of wintering waders in intertidal areas. Having regard to the nature of the proposed development I will address each ecological receptor with respect to their ecological baseline, potential impacts considering the factors raised in the third-party submissions and mitigation proposed. Note the assessment of otter and wintering waders are addressed under Section 3.

17.0 Biodiversity

Background

- 17.1.1. The EIAR was submitted with the application to Wicklow County Council in in March 2025. The initial ecological surveys were completed between 2020 and 2022, and the subject site was resurveyed in 2023 and 2024. The ecological surveys and impact assessment were completed in accordance with the *Guidelines for Ecological Impact Assessment in the UK and Ireland. Terrestrial, Freshwater, Coastal and Marine* (CIEEM 2024).
- 17.1.2. Details of the surveys carried out are provided in the EIAR Section 5.2.3.2. Mammal surveys were carried out between February and May 2024 and camera trap surveys were carried out between 22nd April and 24th June 2024. Bat surveys were conducted on 25th June 2024 and 17th July 2024. Bat Activity Transect Surveys were undertaken 26th June 2024, 2nd July

2024 and 3rd July 2024 and static detectors were deployed on site between the 2nd July 2024 and 19th July 2024.

17.1.3. An otter survey was undertaken on the 25th October 2024. The survey consisted of inspecting both banks of the River Dargle (c. 840m per bank) beginning at the Swan Sanctuary at Harbour Road extending as far as Lower Dargle Road.

17.1.4. The subject site was surveyed for the presence of wintering waterbirds on multiple dates in February, March and September 2023, February 2024 and March 2024. The surveys included a dedicated waterbird survey within the development site and along the River Dargle to ascertain if the Mute Swan (*Cygnus olor*) population associated with Bray Harbour utilise the greenfield areas of the development site or have regular passage over the development site.

17.2. Mute Swan

17.2.1. Bray Harbour is known as a swan sanctuary and is included in the Irish Wetland Bird Survey (I-WeBS) count site 0T907, which includes the harbour, the estuarine stretch of the River Dargle and an area of marine waters. The location of the I-WeBS count site 0T907 in proximity to the proposed development is provided in the EIAR Figure 5-11, extract below under Figure 1. It is noted that the I-WeBS count site 0T907 does not overlap the subject site.

17.2.2. The summary data for I-WeBS site 0T907, received by the applicant from BirdWatch Ireland, includes the annual peak waterbird counts between 2018-2024. The mean numbers of mute swan at the site are 65no at the site, with peak counts of 87no. recorded in 2021/22. The count site is described by BirdWatch Ireland as a being of National and International importance for Mute Swans (*Cygnus olor*). The I-WeBS site also supports good numbers of black headed gull, turnstone and herring gull.

17.2.3. Mute swan is protected under the Wildlife Act 1976 as amended and is listed as an amber-listed species of medium conservation concern under the Birds

of Conservation Concern in Ireland' (BoCCI) (Gilbert et al., 2021)¹. Amber listed species have an unfavourable European status, experienced moderate historical or recent declines, small population sizes, or localised distributions.



Figure 5-11 - Proximity of Bray I-WeBS monitoring site to the proposed development

Figure 1: Location of I-WeBS site 0T907i proximity to the subject site boundary

17.2.4. The potential impacts arising from the construction and operation of the proposed development are set out in the EIAR Section 5.4.1 and include direct and indirect mechanisms including habitat loss through physical damage or changes in habitat structure, disturbance during the construction and operation stage including construction activity and noise and artificial lighting, changes in water quality and potential impacts on aquatic species and predator prey dynamics.

Habitat Loss

17.2.5. The swan sanctuary and Bray Harbour I-WeBS site for wintering waterbirds is approximately 100m from the subject site, therefore there will be no direct loss habitats supporting mute swan and waterbirds at this location. The release of uncontrolled polluted runoff from the site during the construction

¹ Gilbert, G., Stanbury, A., and Lewis, L. (2021). Birds of Conservation Concern in Ireland 4: 2020–2026. Irish Birds, Number 46, pages 1-22.

and operation stages of the proposed development could indirectly alter the structure and function of sensitive aquatic habitats, which support the avian species in Bray Harbour. Potential impacts to surface water and proposed mitigation are outlined under Sections 3.3.3 to 3.3.8 below which are also applicable to the swan sanctuary.

Disturbance and collision risk

- 17.2.6. The swan sanctuary is in proximity to a busy urban environment and are accustomed to human presence. However, mute swans have poor vision and limited manoeuvrability in flight, making them particularly vulnerable to collisions. Given the proximity of the subject site to the swan sanctuary, there is potential risk of collision with structures. There are increased risks where birds undertake daily movements during the hours of dusk and dawn commuting between foraging and nesting or roost sites where flight heights tend to be at low altitude.
- 17.2.7. During surveys for wintering waterbirds mute swan was not observed flying over the site during waterbird surveys. One mute swan and one mallard was observed overflying the railway bridge adjacent to Bray Harbour, both birds flew from the harbour to the River Dargle and did not cross the subject site.
- 17.2.8. Collision risk is assessed in the EIAR Section 3.4.1.2 Block Design Alternatives and Design Considerations the new proposed blocks have been designed to minimise the factors influencing bird collision risk. Including the following:
- No large, continuous and expansive areas of reflective glass and restricted use of glass where possible with no straight 'see through' areas.
 - Site lines to planted habitats through glass windows have been avoided
 - Atria and rooftop greenspaces are not surrounded by reflective glass to mitigate any likelihood of birds confusing the reflection as an extension of the habitat.
- 17.2.9. To conclude, the subject site is not within a migratory flight path or commuting flight path between wetland sites, therefore collision risk with the

proposed development is not likely to have a significant effect on these species.

Lighting

- 17.2.10. Artificial light at Night (ALAN) can affect insects, birds, mammals, including bats, and aquatic species. Lighting can act as an ecological barrier, fragmenting habitats for sensitive nocturnal and crepuscular species including bats and otter. It also disturbs roosting and breeding birds, disorients migratory birds, disrupts insect ecology and interferes with the foraging activities of nocturnal mammals.
- 17.2.11. To conclude, the lighting proposals have been designed in accordance with recommended guidance to minimise the effects of lighting on wildlife, including the Institute of Lighting Professionals Guidance Note 08/23; Bats and Artificial Lighting at Night, which takes account of biodiversity requirements and includes directional lighting to prevent light spillage and light pollution, and all street lanterns will be in 2700K LED (warm white).

17.3. Bats

- 17.3.1. All bat species in Ireland are strictly protected under Article 12 of the Habitats Directive, as transposed by Regulation 51 of the EC (Birds and Natural Habitats) Regulations, 2011 (as amended), and the Wildlife Act, 1976 (as amended) affording them protection wherever they occur.
- 17.3.2. A review of NBDC datasets indicate that various bat species have been recorded within and around the proposed site. Bat surveys were undertaken by a bat specialist during June and July 2024, which included transect surveys and static detectors were deployed on site for an 18-day period in July. The third-party submissions raised concerns that the River Dargle was not included in the bat surveys. Location of Transects and Surveyed Trees is provided in the EIAR Figure 5-6. Transect 1 is located along the southern boundary of the site boundary c.40m the River Dargle. The bat transect surveys carried out are sufficient to provide a representative sample of the bat activity in the habitats within the subject site. Future development in proximity to the subject site and the River Dargle, such as Sea Gardens

Phase 3, will be the subject of a separate application and project specific assessments.

- 17.3.3. Two Bat Emergence Surveys were also conducted around two oak trees which had roosting bats present in 2020 bat surveys, however no roosting bats were recorded. Bats species recorded foraging and commuting within the subject site, include Common Pipistrelle (*Pipistrellus pipistrellus*), Soprano Pipistrelle (*Pipistrellus pygmaeus*), Lesser Noctule (*Nyctalus leisleri*) and Daubenton's Bat (*Myotis daubentonii*) was recorded along the River Dargle. Brown Long Eared (*Plecotus auritus*) was also recorded during the static detector survey and was assessed as an occasional commuter and not utilising the site regularly.
- 17.3.4. Bat detector surveys did not confirm the presence of any bat roosts within the site, however the EIAR deems the site to be of Local importance (Higher Value) for commuting and foraging bats.
- 17.3.5. To conclude, the lighting proposals, landscaping measures and building design considerations will minimise significant effects on bats.

18.0 Implications for European Sites

- 18.1.1. The NIS which included the Appropriate Assessment Screening in Section 5, has been prepared by ecologists from AtkinsRéalis.

18.2. Zone of Influence

- 18.2.1. The AA Screening is provided in the NIS Section 5 and the Zone of Influence (Zoi) for the proposed development to European sites i.e. Special Area of Conservation (SAC) and Special Protection Areas (SPA), is discussed in the NIS Section 5.1. In establishing the Zoi the author refers to the *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities* (DEHLG, 2010a) which makes reference to a 15km Zoi and the *Appropriate Assessment Screening for Development Management* (OPR, 2021) which recommends the Source-Pathway-Receptor (S-P-R) model for establishing the Zoi. The S-P-R is the accepted method, rather than the

arbitrary 15km distance, as the S-P-R is based on identifying the actual mechanisms through which impacts may occur.

- 18.2.2. The author adopted both approaches in the assessment, and Table 5-1 includes nine SACs within the Zol, and five SPAs in Table 5-2. The project site does not lie within any European site but potential indirect connectivity via hydrological pathways from the subject site via the River Dargle to the Wicklow Mountains SAC (SAC002122) and the Irish Sea to Rockabill to Dalkey Island SAC (SAC003000) SAC, are identified. All other SACs and all SPAs are excluded due to lack of connectivity and not subject to further consideration in the NIS on the basis that the location, scale and operation of the proposed development is such that it will not contribute to direct, indirect or in-combination impacts on habitats or species for which the European site has been designated and does not have the potential to affect the conservation objectives of these species/habitats.
- 18.2.3. I concur that all relevant European sites within the Zol of the subject site have been considered in the AA Screening.
- 18.2.4. The NIS considers those qualifying interests (QI) / special conservation interests (SCI) of European sites, such as Harbour porpoise (*Phocoena phocoena*) [1351] QI of Rockabill to Dalkey Island SAC and Otter (*Lutra lutra*) [1355] QI of the Wicklow Mountains SAC which are highly mobile and may occur at some distance from the European site for which they are a QI / SCI.

18.3. Rockabill to Dalkey Island SAC

Reefs [1170]

- 18.3.1. Impacts on the Reefs [1170] QI of Rockabill to Dalkey Island SAC are ruled out in the NIS Table 5-3 due to the distance of the habitat to the subject site, at 6.5km direct line at its closest point, and the dilution and dispersal of the coastal waters of potential surface water quality impacts from the proposed construction and operation of the proposed development, likely significant effects on reef habitats are excluded.

- 18.3.2. I agree that likely significant effects on Reefs [1170] habitat of Rockabill to Dalkey Island SAC can be excluded.
- 18.3.3. In addition, it is suggested in third party submissions that non-designated intertidal reef habitats and benthic communities are found in proximity to the subject site and could be threatened by the proposed development arising from sedimentation during construction.
- 18.3.4. Indirect impacts from discharge of treated foul effluent during operational phase are ruled out as effluent will be treated at Shanganagh WwTP prior to discharge and given the dilution and dispersal which will occur within the Irish Sea. The Shanganagh WwTP has been subject to the Appropriate Assessment process and no adverse effects on the integrity of any European site were identified through that process^{2,3}.
- 18.3.5. The River Dargle Flood Defence Scheme was completed in 2017 and took place over a 3.3 km stretch from Silverbridge at the N11 to the Harbour Bridge at Bray harbour. The development site is bordered by a public promenade and flood defence walls, therefore the risk of large volumes of runoff from the site reaching the River Dargle and the Irish Sea is very limited. However, the proposed construction activities include small scale construction works c.5m in length, to install a surface water/stormwater drainage outfall channel through the existing flood defence wall on the banks of the River Dargle. During the operational phase, surface and storm water will outfall to the River Dargle and Irish Sea.
- 18.3.6. As discussed in the EIAR Section 7.5.1, temporary dewatering will likely be required during excavation in portions of the proposed development, however there will be no discharge to the River Dargle from any dewatering activities.
- 18.3.7. Mitigation measures to manage impacts to water quality during the construction phase of the proposed development are set out in the NIS Section 6.4.1 and follow the Construction Industry Research and Information Association (CIRIA) environmental and water pollution guidelines and the IFI

² EPA. Inspector's Report on Waster Water Discharge License Review, License Register Number D0038-02. 9 December 2020.

³ EPA. Waste Water Discharge License D0038-02 Shanganagh-Bray https://epawebapp.epa.ie/licences/lic_eDMS/090151b28079fff3.pdf

2016 Guidelines on the Protection of Fisheries during Construction Works in and Adjacent to Waters, to minimise the risk of pollution. Site specific details are provided for the construction of the surface water drainage outfall installation works.

- 18.3.8. Surface water management during the operation phase of the proposed development will be via a proposed surface water network which includes Sustainable urban Drainage Systems (SuDS) comprising swales, green roofs, green corridors, permeable paving, tree pits and filter drains, and underground attenuation tanks. These will systems will reduce the potential for contaminants reaching the River Dargle and flows onsite will be attenuated prior to controlled discharge to the River Dargle at greenfield rates of runoff.
- 18.3.9. Full details on the mitigation measures to be applied during the Demolition and Construction phase are provided in the Construction Environmental Management Plan (CEMP) (document ref.:0089313DG0029).
- 18.3.10. I conclude that proposed mitigation measures during the construction and operation of the proposed development, are comprehensive and appropriate to the nature and scale of the proposed works, therefore significant effects on reef habitat are considered unlikely.

Harbour porpoise (*Phocoena phocoena*) [1351]

- 18.3.11. The AA Screening assessment recognises potential connectivity via hydrological pathways from the subject site via the River Dargle to the Irish Sea and Rockabill to Dalkey Island SAC (SAC003000) SAC and the highly mobile nature of Harbour porpoise, a QI of the SAC, which have been recorded in the waters surrounding Bray Harbour therefore there is potential for ex-situ effects to the SAC.
- 18.3.12. Harbour porpoise prey on aquatic species which are in turn dependent on good water quality. Given the proximity of surface water to the subject site, the release of uncontrolled polluted runoff and discharges from the site during the construction and operation stages of the proposed development could indirectly alter prey availability for harbour porpoise. In addition, there

is potential for displacement of the species during the construction phase due to noise and vibration.

- 18.3.13. Potential impacts to surface water and proposed mitigation are outlined under Sections 3.3.3 to 3.3.8 above, are also applicable to harbour porpoise. Details on the mitigation measures to be applied during the Demolition and Construction phases are provided in the Construction Environmental Management Plan (CEMP) (document ref.:0089313DG0029). Surface water management during the operation phase of the proposed development will be via a proposed surface water network which includes SuDS. I conclude that measures for the management of water quality during the construction and operation of the proposed development are comprehensive and appropriate to the nature and scale of the proposed works.
- 18.3.14. Indirect noise and vibration impacts during the construction phase (piling works) for Rockabill to Dalkey Island SAC, are discussed in the NIS Section 6.1.1, as follows *“Piling works are necessitated for the construction of the proposed apartment blocks. These percussive works will not occur near the coastline or near the coastal waterbody (minimum c. 100m distance). As such piling works will not result in noise and/or vibration related disturbance impacts to QI species Harbour porpoise”*.
- 18.3.15. The EIAR Chapter 10 deals with noise and vibration, and piling is discussed in Section 6.4.1.2. Piling will be required for the foundations for Blocks E, H and I and the piling methods proposed include Bored Piles, Continuous Flight Auger (CFA) Piles or Driven Piles, with the specific methodology to be determined during the detailed design / pre-construction phase. In Section 6.4.1.2 (EIAR page 195) it is stated that piling will be to a maximum depth of 14m, however, this is contradicted in Section 7.5.1 (EIAR page 195) which states that the anticipated depth of piling will be ca. 25m. In addition, there is a conservative assumption is that there will be the installation of 1no. piles per day, however details on how many piles will be installed during the construction period, is not provided.
- 18.3.16. The locations of the four attended noise measurement locations, AT1 to AT4, and one unattended measured noise levels for UN1 are shown in the

EIAR Chapter 10 Noise and Vibration Figure 10-3 (extract below). The noise measurement locations AT1 and UN1, are in proximity to the River Dargle and the railway line respectively and are the nearest noise monitoring locations to the coastline. The relevant noise monitoring locations are circled in red on the extracted Figure 10-3 for reference. The noise survey results are provided in Table 10-7 for measured noise locations AT1 to AT4 and unattended measured noise levels for UN1 are provided in Table 10-8.

- 18.3.17. Construction works will be undertaken between the hours of 7am and 7pm Monday to Friday and 7am and 2pm on Saturdays, therefore only the daytime noise monitoring results are discussed here. The daytime ambient noise levels at AT1 are between 53 and 57 dB $L_{Aeq,T}$, and daytime background noise levels are between 50 and 51 dB $LA_{90,T}$. At UN1, the daytime ambient noise levels of between 54 and 57 dB $L_{Aeq,T}$ and the daytime background noise levels of between 42 and 47 dB $LA_{90,T}$.



Figure 10-3 - Noise Monitoring Locations

- 18.3.18. The construction noise predications are presented in Section 10.4 Table 10-11 and the noise levels per item of plant are based on the British Standard (BS5228-1:2009+A1:2014) Code of practice for noise and vibration control on construction and open sites. Large Rotary Bored Piling Rig

(C3.14) is included as the item of plant for foundations which is the equipment used from drilling bored piles. The predicted noise levels from this plant type ranges from 83 dB $L_{Aeq,1hr}$ at 10m distance from the source, reducing to 62 dB $L_{Aeq,12hr}$ at 45m distance. The attenuation of noise is a function of distance from source, described as geometric spreading. The relationship is well established, whereby a reduction in noise of 6 dB is experienced per doubling of distance from a point source. Therefore, at 100m from the source noise levels are expected to be in the region of 56 dB, approaching local daytime ambient noise levels. Therefore, significant effects from disturbance and displacement of coastal and marine mammals are unlikely from this type of piling.

18.3.19. Driven piles are installed by impact or vibratory driving. Every strike of the impact hammer sends seismic waves through the soil/bedrock. These vibrations may travel through the ground, cross the shoreline, and enter the seabed. From there, the energy couples into the water column, converting into underwater acoustic pressure waves (Scholte waves) that marine life may detect. Highest impacts likely to be impacted are by benthic invertebrates and some benthic flat-fish species like flounder and sole because of their contact with the seabed. Marine mammals that utilize high-frequency sound, such as porpoises⁴, are less affected by this specific ground-borne pathway as ground-borne propagation naturally filters out high frequencies. However, given that the specific type of piling method and number of piles that will be installed is not presented in the application documents, it is recommended that only bored piling methods are used for block structures E, H and I.

18.3.20. With the recommended use of bored piling methodologies, I conclude that there will be no significant effect on harbour porpoise.

⁴ Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters (NPWS, 2014)

18.4. Wicklow Mountains SAC

Otter (*Lutra lutra*)

- 18.4.1. Concerns were raised in third party submissions regarding the corridor link for otters between their inland freshwater habitats and coastal foraging and breeding areas could be disrupted by construction activity, noise and lighting.
- 18.4.2. Otter (*Lutra lutra*) [1355] are a QI of Wicklow Mountains SAC (SAC002122) c.7.5km at its closest point and c. 14km upstream from the subject site. Otter, along with their breeding and resting places, are protected under the provisions of the Wildlife Act, 1976, as amended and is listed on Annex II and Annex IV of the EU Habitats Directive.
- 18.4.3. In the Conservation Objectives documents for the Wicklow Mountains SAC [002122] (NPWS, 2017), within the SAC the areas identified as critical for otters are mapped to include 10m terrestrial buffer along riverbanks and around water bodies.
- 18.4.4. The extent of otter habitat in Ireland is identified in the NPWS Threat Response Plan for Otter⁵ on the basis of four classes of water bodies: rivers, streams, lakes and coast (high water mark). Coastal habitat for otter is estimated as an 80m strip of water from the length of shore, in addition to a 10m terrestrial buffer is considered to comprise part of the otter habitat.
- 18.4.5. Otters are highly territorial, however their territory sizes can vary depending on food availability and coastal territories can be as small as 2km, while those along upland streams may extend up to 20 km, therefore the subject site is feasibly within otter territory range and there is potential for ex-situ effects to the SAC.
- 18.4.6. The otter survey methodology is not provided in the NIS but set out in the EIAR under Section 5.3.3.4 Fauna. Different techniques exist to survey otter, the most commonly used of which is a detailed search for field signs, including spraint (droppings which are commonly left on rocks in a

⁵ NPWS (2009) *Threat Response Plan: Otter* (2009-2011). National Parks & Wildlife Service, Department of the Environment, Heritage & Local Government, Dublin.

watercourse), prey remains, holts and couches, and footprints. Construction works can cause to breeding holts within 150m of proposed development in accordance with TII *Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes* (2006a). Therefore, as a minimum, watercourses in proximity to the proposed works, must be surveyed 150m upstream and downstream of the proposed development to ensure that any holts and couches are identified and assessed appropriately. The otter survey was undertaken on the 25th October 2024, covering c. 840m per bank, beginning at the Swan Sanctuary at Harbour Road extending as far as Lower Dargle Road. I consider the extent of habitat surveyed is in accordance with best practice.

- 18.4.7. The NBDC holds records of otter from 2017. The site surveys undertaken by ecologists in October 2024 did not identify otter activity, otter holts or couches along the River Dargle adjacent to the proposed development site. However, a number of third-party submissions relate to the presence of otter in the vicinity of the proposed development site.
- 18.4.8. Given the extent of flood walls in proximity to the subject site, it is unlikely that there is suitable otter resting habitat along this stretch of river. However, there is suitable habitat upstream and along the coastline of the subject site.
- 18.4.9. Coastal otters require sources of freshwater as part of their territory and may navigate upstream, to wash and forage.
- 18.4.10. Otter prey on aquatic species which are in turn dependent on good water quality. Given the proximity of surface water to the subject site, the release of uncontrolled polluted runoff and discharges from the site during the construction and operation stages of the proposed development could indirectly alter prey availability for Otter. In addition, there is potential for displacement of the species during the construction phase due to noise and vibration, and lighting and disturbance from human presence during the operation stage.
- 18.4.11. The discussion under harbour porpoise relating to water quality impacts and mitigation under Section 3.2.13 above, are also applicable to otter.

- 18.4.12. The subject site is in proximity to a busy urban setting with lighting on the promenade between the river and the subject site and otter are likely habituated to human generated noise and lighting. However, it is acknowledged that Artificial light at Night (ALAN) can act as barriers and affect insects, birds, mammals, including otter, and aquatic species.
- 18.4.13. As specified in the EIAR Section 5.4.3.2 and the Lighting Report, the lighting proposals have been designed in accordance with the Institute of Lighting Professionals Guidance Note 08/23; Bats and Artificial Lighting at Night which takes account of biodiversity requirements and includes directional lighting to prevent light spillage and light pollution, and all street lanterns will be in 2700K LED (warm White).
- 18.4.14. Construction works will be undertaken between the hours of 7am and 7pm Monday to Friday and 7am and 2pm on Saturdays. Otter are crepuscular, where they are generally active during dawn and dusk. In winter months when days are shorter, otter activity may occur during construction hours. No breeding or resting sites for otter were recorded in proximity to the subject site, and should otter be present it is considered they would be habituated to anthropogenic noise, therefore, any noise disturbance impacts to otter as a result of construction are considered to be temporary and not significant.
- 18.4.15. I conclude that the proposed development will not result in significant effects to otter.

18.5. Special Protection Areas within the Zol

Wintering Waders

- 18.5.1. Considering the third-party submissions and the proximity of the subject site to the I-WeBS site count site 0T907, I have undertaken a review of the Species of Conservation Interest (SCI) of SPAs within the Zol, and the scientific information provided in the application documents pertaining to birds within and in proximity to the subject site.
- 18.5.2. Man-made structures including buildings and windows can act as a barrier to the movement of animals across the landscape including potential collision risk to birds. Any of the above ground structures including the proposed 15-

storey apartment Block E (approximately 60m in height), is in the eastern end of the subject site, within c. 100m of the coastline and Bray Harbour, may pose a potential collision risk to birds.

- 18.5.3. There is a lack of data regarding collision mortality rates of birds with buildings in Ireland, however there is a distinction to be made between locally commuting birds and long-distance migration flights. Many wintering waterbirds typically fly at altitudes in excess of 100m above ground level when on migration⁶. Where increased risks arise is where birds undertake daily movements during the hours of dusk and dawn commuting between foraging and nesting or roost sites where flight heights tend to be at low altitude.
- 18.5.4. Collision risk is discussed in Table 5-2 for SPAs including Dalkey Islands SPA, the South Dublin Bay and River Tolka Estuary SPA (SPA004024), and The Murrough SPA (SPA004186).
- 18.5.5. The numbers of birds recorded overflying the development site and numbers of birds recorded within the development site during bird surveys in 2024 are provided in the NIS Table 4-3, which also includes the maximum record count number for bird species recorded within the I-WeBS count site OT907.
- 18.5.6. Herring gull (*Larus argentatus*) (6no.), black-headed gull (*Chroicocephalus ridibundus*) (5.no) and cormorant (*Phalacrocorax carbo*) (1no.) were recorded flying over the site (EIAR Table 5-6) and common gull (*Larus canus*) (40no.) was recorded 'loafing' within the site. Herring gull is a Species of Conservation Interest (SCI) of the North-West Irish Sea SPA (004236) and The Murrough SPA. I note that the North-West Irish Sea SPA (004236) is not referenced for herring gull in Table 4-3, however the North-West Irish Sea SPA is captured in the assessment for other bird species therefore the potential for likely significant effects on herring gull can be assessed. Black-headed gull is an SCI of the South Dublin Bay and River Tolka Estuary SPA (SPA004024) and The Murrough SPA (SPA004186), cormorant is an SCI of the North-West Irish Sea SPA (004236) and Common

⁶ Information note - The Effect of Aviation Obstruction Lighting on Birds at Wind Turbines, Communication Towers and Other Structures

gull is an SCI species of the North-West Irish Sea SPA (004236) and a non-SCI species of the South Dublin Bay and River Tolka Estuary SPA.

18.5.7. The peak annual waterbird counts at the I-WeBS site in Table 4-2 for herring gull is 410no. (2023/2024), black-headed gull is 376no. (2021/2022), cormorant is 13no. (2021/2022) and common gull is 16no. (2023/2024). Herring gull, black-headed gull and cormorant were not recorded feeding within the subject site and based on the numbers of birds recorded in Bray Harbour and the low number of birds observed flying over the subject site during bird surveys, the subject site is not within a migratory flight path or commuting flight path between wetland sites, therefore collision risk with the proposed development is not likely to have a significant effect on these species.

18.5.8. In the EIAR Section 5.4.4.7 describes the behaviour of common gull within the subject site “...*small numbers of Common gulls loafing were noted during site surveys*”. Loafing is a term used to describe a collection of relaxed behaviours not specifically related to feeding, breeding or evading predators, but can include preening and resting⁷. Common gulls are a winter visitor to all Irish coasts⁸. The number of common gulls associated with the North-West Irish Sea SPA (004236) as stated in the SPA Site Synopsis⁹ is 2,866no. The proposed development will result in the loss of resting habitat for a comparatively small number of common gulls; however coastal grasslands are found near the subject site which would provide alternative habitat for the species. Therefore, the proposed development is not likely to have a significant effect on the SPAs.

18.6. In combination effects

18.6.1. My assessment regarding the concerns raised in third party submission as outlined by the Inspector under Section 1.3.1 (Item 3 iii and viii) above, as they relate to the in-combination effects assessment in the Appropriate

⁷ <https://features.wwt.org.uk/12-interesting-wetland-bird-behaviours-to-look-out-for/>

⁸ <https://birdwatchireland.ie/birds/common-gull/>

⁹ <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004236.pdf>

Assessment Screening and NIS submitted are outlined in the following sections.

- 18.6.2. In combination effects are those effects that may arise from the development proposed in combination with other plans and projects proposed/consented but not yet built and operational (i.e. those developments that are separate from the baseline). The Article 6(3) test requires the assessment of in combination effects, is as follows; *“Any plan or project not directly connected with or necessary for the management of the site but likely to have a significant effect thereon, either individually or **in combination** with other plans or projects, shall be subject to appropriate assessment of its implication for the site in view of the site’s conservation objectives”*.
- 18.6.3. In combination effects of other plans and projects are presented in the NIS Section 6.3 and summarises the plans and projects within the Zol of the proposed development in Table 6-1.
- 18.6.4. Third party submissions raised whether the following existing approved, pending, or reasonably foreseeable projects should have been considered:
- Flood defence works
 - Shanganagh WWTP expansion
 - The Bray Sustainable Transport Bridge
 - Dublin Array Offshore Wind Farm
- 18.6.5. The Flood Defence works were completed in 2017 and Shanganagh WWTP was upgraded in recent years. From a methodological perspective, they are completed projects are considered as part of baseline conditions rather than as part of the in-combination assessment.
- 18.6.6. The Bray Sustainable Transport Bridge is assessed under the NIS Section 6.3.6.
- 18.6.7. It is acknowledged that the Dublin Array Offshore Wind Farm was not considered in the NIS assessment of in combination effects. The project application has been submitted to An Coimisiún Pleanála, and will be subject

to Appropriate Assessment, and however a determination has not yet been made on this project to date.

- 18.6.8. Therefore, I agree with the conclusion that other plans and projects proposed/consented but not yet built and operational will not act in combination with the proposed development to give rise to significant in-combination effects on European sites.

18.7. Planning Authority AA

- 18.7.1. The inspector requested a review of the planning authority's screening determination with respect to third party appellants concerns regarding mitigation measures were relied upon in making the Appropriate Assessment determination.
- 18.7.2. I have reviewed the Chief Executive Direction PRR 25/60207 and note that there is some inconsistency with the language used in addressing the Article 6(3) legal tests. The first test of Article 6(3) is to establish if the proposed development is likely to have a significant effect on a European site and the second test is whether or not the proposed development would adversely affect the integrity of a European site. However, the Director of Services refers to Acting Senior Planner reports, who considered the Appropriate Assessment Screening and Natura Impact Statements in their assessment and conclude the following: *"However having regard to the information submitted, the above examination it is considered that given the location of the construction works, the construction methodology, SuDs proposals, and the conservation values of the Rockabill to Dalkey Island SAC and the Wicklow Mountains SAC it is not considered that the development on its own or in combination with other plans or projects would give rise to negative impacts on any Natura 2000 site"*.
- 18.7.3. Notwithstanding the above, the Commission undertake their own AA screening determination.

18.8. Conclusion

- 18.8.1. The EIAR, NIS, including sections relating to Appropriate Assessment screening and information in support of Appropriate Assessment have been prepared by suitably qualified and experienced ecologists from AtkinsRéalis.
- 18.8.2. I consider that the AA Screening and NIS have been undertaken adequately and takes into account relevant guidance, using the source-pathway-receptor approach with consideration given to mobile QI/SCIs.
- 18.8.3. A number of comments made in the submissions relate to the presence of harbour porpoise and otter in the vicinity of the proposed development site. I consider the applicant's NIS adequately addresses potential impacts on otter as a QI of the Wicklow Mountains SAC. NIS adequately addresses potential impacts on water quality with respect to harbour porpoise as a QI of Rockabill to Dalkey Island SAC. Piling method options are proposed in the EIAR, however to minimise disturbance impacts to harbour porpoise, I have recommended the use of bored piling methods only for the construction of block structures E, H and I.
- 18.8.4. Third party submissions also refer to the estuarine stretch of the River Dargle as an important habitat and waterbird refuge and an important flightpath. From the information provided in the EIAR and NIS, the subject site is not within a migratory flight path or commuting flight path between wetland sites, therefore the proposed development is not likely to have a significant effect on the birds on the River Dargle and Bray Harbour swan sanctuary and wildlife refuge.
- 18.8.5. The in-combination effects assessment includes plans and projects proposed/consented but not yet built and operational (i.e. those developments that are separate from the baseline). It is acknowledged the Dublin Array Offshore Wind Farm was not considered in the NIS assessment of in-combination effects. The project application has been submitted to An Coimisiún Pleanála, and will be subject to Appropriate Assessment, however a determination has not yet been made on this project to date.
- 18.8.6. Mitigation measures to manage impacts to water quality during the construction phase of the proposed development are set out in the NIS and

follow construction industry environmental and water pollution guidelines, to minimise pollution risks. Furthermore, sustainable urban drainage systems are proposed to manage surface and stormwater discharges to the River Dargle and Irish Sea during the operation stage. Therefore, impacts to water quality are considered not significant.

18.8.7. I am satisfied that the bat transect surveys carried out are sufficient to provide a representative sample of the bat activity within the habitats of the subject site. Future development in proximity to the subject site and the River Dargle, such as Sea Gardens Phase 3, will be the subject of a separate application and project specific assessments.

18.8.8. I conclude that the lighting proposals have been designed in accordance with the recommended lighting guidelines to minimise impacts on bats and wildlife including the Institute of Lighting Professionals Guidance Note 08/23 Bats and Artificial Lighting at Night, which takes account of biodiversity requirements, including bats and specifies directional lighting to prevent light spillage and light pollution, and all street lanterns will be in 2700K LED (warm white).

19.0 Recommendations

Should An Coimisiún Pleanála be minded to approve this application, I recommend the following is considered for inclusion as a condition:

1. The piling method and number of piles that will be installed are not specified in the application documents. Therefore, given the proximity of the proposed development site to sensitive ecological receptors, it is advised that only bored piling methods are used for the construction of block structures E, H and I.

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

Paula Kearney
Senior Ecologist

21 July 2026