



Development

99 no. unit residential development, ESB substation, upgrade to existing junction along Strand Road, general landscaping, boundary treatments, and public lighting and all associated site works.

Location

Bray Waterfront, Strand Road, Bray, Co. Wicklow, Site includes the existing surface car park accessible off Strand Road, and the following dwellings: Coastguard Terrace (Eircode: A98 V6K7), No. 8 Coastguard Terrace (Eircode A98 VR92) and No. 9 Coastguard Terrace (Eircode: A98 VX44), Putland Road, Bray, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

25/60512

Applicant(s)

Benduff Ireland Ltd.

Type of Application

Normal Planning Appeal

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

First Party vs Condition

Third Party vs Decision

Appellant(s)	1. Eoghan O'Callaghan 2. Benduff Ireland Ltd. 3. Bray Residents Association 4. Michal Jankowski and others
Observer(s)	None
Date of Site Inspection	11 th May 2026
Inspector	Susan McHugh

Table of Contents

1.0	Introduction	4
2.0	Site Location and Description	4
3.0	Proposed Development.....	5
4.0	Planning Authority Decision	8
5.0	Planning History.....	12
6.0	Policy Context.....	13
7.0	EIA Screening.....	20
8.0	The Appeal	21
9.0	Assessment	24
10.0	Appropriate Assessment.....	42
11.0	Water Framework Directive.....	43
12.0	Recommendation.....	43
13.0	Reasons and Considerations	43
14.0	Conditions.....	45
	Appendix 1: Form 1 EIA Pre-Screening	54
	Appendix 2: Form 2 - EIA Preliminary Examination	57
	Appendix 3: Standard AA Screening Determination	60

1.0 Introduction

- 1.1. Permission for a similar development of the subject site was granted permission on appeal under ABP-248754-17 and has since expired. The decision of the Planning Authority to grant permission is the subject of three no. Third Party appeals against the decision, and a First Party appeal against a condition only.
- 1.2. The subject site is located within the former Bray Local Area Plan boundary and the current Draft Bray Municipal District Local Area Plan (LAP) 2025.

2.0 Site Location and Description

- 2.1. The subject site is located towards the southern end of Strand Road, Bray, Co. Wicklow.
- 2.2. The former 'Bray Head Hotel' a Protected Structure adjoins the site to the south, and the 'Star Leisure and Casino' adjoins the site to the north. Bray Head Hotel now known as 'Fontenoy Place' has undergone renovation works and includes a 5-storey residential block extension to the rear.
- 2.3. The site is bounded to the east by on street public car parking serving Bray Waterfront, and Bray Head. To the west the site is bounded by Coastguard Cottages a terrace of two-storey dwellings. The Coastguard Cottages are accessed via an unsurfaced laneway off Putland Road, and are significantly elevated above the subject site, and are home to the third-party appellants.
- 2.4. The Dublin Wexford and DART railway line is located to the rear of the Coastguard Cottages. A number of single storey houses adjoin the railway line on the other side to the west, these and two storey houses are accessed from Putland Road via Newcourt Road and are home to the third-party appellants.
- 2.5. The appeal site has access to a number of public transport routes. Bray Dart Station is situated 1km from the site and provides a high frequency connection to the city centre, north Dublin Louth and Wexford. Bray Bus Depot lies 800m from the site and provides connections to the wider Dublin area and beyond.
- 2.6. The site comprises a surface car park which on the day of my site inspection contained outdoor amusements which were being dismantled. The site also includes

3 no. residential units which are accessed via the laneway serving Coastguard Terrace and bound the former Bray Head Hotel to the south and railway line to the west.

- 2.7. There is a significant change in level across the application site, with the 3 no. residential units to be demolished located at the same level as the Coastguard Cottages. The site is defined by a large retaining wall along its western boundary.
- 2.8. The site has a stated area of 0.56ha.

3.0 Proposed Development

- 3.1. The proposed development comprises the demolition of the existing 3 no. dwellings at Coastguard Terrace and all associated structures including a cabin and shed. It is proposed to remove hardstanding to the existing car park and part of the existing retaining wall to the rear of dwellings to be demolished at Coastguard Terrace.
- 3.2. It is proposed to construct 99 no. residential apartments, comprising 34 no. one-bedroom apartments, 50 no. two-bedroom apartments and 15 no. three-bedroom apartments. These are contained within 2 no. Blocks (Blocks A and B).
- 3.3. Block A ranges in height from 5-6 storeys and includes a total of 71 no. apartments (23 no. one-bedroom apartments, 37 no. two-bedroom apartments and 11 no. three-bedroom apartments), and 3 no. Commercial units (482. 4sq.m) and a 2 storey Creche unit (242. 7sq.m) accessed from Strand Road and Coastguard Terrace.
- 3.4. Block B ranges in height from 4-6 storeys (5 storeys from ground floor level on Coastguard Terrace) and includes a total of 28 no. apartments (11 no. one-bedroom apartments, 13 no. two-bedroom apartments and 4 no. three-bedroom apartments). All apartment units proposed have access to private amenity space in the form of a balcony/terrace.
- 3.5. The proposed development also includes provision of bin stores, plant rooms, and bicycle stores and an under-croft car park area, accessible off Strand Road. The car park provides for 82 no. car parking spaces to serve the development (including 5 no. accessible parking spaces, 16 no. EV car charging spaces) and 8 no. motorcycle spaces, and 259 no. bicycle parking spaces. The bicycle spaces include 172 no. standard spaces, 9 no. cargo and 78 no. visitor spaces.

- 3.6. 2 no. pedestrian access points off Coastguard Terrace are proposed via a podium and further pedestrian access points along Strand Road.
- 3.7. An external play area to serve the crèche unit (69 sq.m), is proposed along with a landscaped communal open space (750sq.m), landscaped public open space (1100sq.m), public realm improvements to the sites Strand Road frontage including external seating areas and bicycle parking (719 sq.m).
- 3.8. All ancillary site and infrastructural works as necessary to facilitate the proposed development, including, works to retaining wall, foul/surface water drainage and attenuation areas, rain garden, water feature, sprinkler tank, ESB substation, upgrade to existing junction along Strand Road, general landscaping, boundary treatments, and public lighting are proposed.
- 3.9. The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme. These are extrapolated from the application form, plans and particulars with the appeal.

Table 1: Key Statistics

Site Area	c.0.61ha (gross area) c.0.56ha (net developable area)
Floor Areas (gross)	Residential: 9,495sqm Childcare: 243sqm Commercial: 482sqm
Residential component	99 Apartment units
Density	162.30uph
Net density	176.7uph (167.8uph stated by applicant)
Plot ratio	1.36 (Net 1.46)
Building Height	Block A: 5-6 storeys Block B: 4-6 storeys
Aspect	Dual Aspect: 50 (51%)
Open Space	Public: 1,800 sqm (c.18.12% of net site area) Courtyard 1,100sqm Public Realm Strand Road: 700sqm

	Communal: 750sqm (c. Private: Balconies/terraces of various sqm.
Part V provision	Total: 20 units (24%)
Car Parking	Total: 82 (includes 5 no. accessible parking spaces, + 16 no. EV car parking spaces) Basement Level: 81 Surface level: 1
Cycle Parking	Total: 259
Motor Bike Parking	Total: 8

Table 2: Summary of Residential Unit Mix

Unit Type	1 bed/2P	2 bed/4P	3 bed/5P	Total Units
Block A	23	37	11	71
Block B	11	13	4	28
Total Units	34	50	15	99
% of Total Units	34%	51%	15%	100%

3.10. The application includes a range of architectural, engineering and landscaping drawings, and is accompanied by a range of reports and supporting documentation (full list in the applicants Cover Letter, pgs. 1-6).

3.11. The proposed development was amended by way of further information to include a reduction in the no. of units from 99 to 91 as follows;

Block A

- 1 no. unit omitted from the fifth floor
- 1 no. unit redesigned to increase setback distance (4600mm) (and reinforce heights established by hotel and architectural fenestration on the proposed development).
- Change in finishes to further emphasise setback and reinforce the relationship between the existing hotel site and the proposed development.

Block B

- Omission of third floor (7 no. units).
- The Bin Store relocated to the ground floor of Block B in response to Irish Rail submission.

3.12. The RFI was accompanied by updated Daylight and Sunlight Assessment, Photomontages, CGIs and Landscape architect pack.

3.13. The following tables present a summary of the development a permitted.

Table 3 Development

Residential component	91 Apartment units
Net density	162.5uph
Building Height	Block A: 5 storeys Block B: 4-5 storeys

Table 4 Summary of Residential Unit Mix

Unit Type	1 bed/2P	2 bed/4P	3 bed/5P	Total Units
Block A	22	38	10	70
Block B	8	10	3	21
Total Units	30	48	13	91
% of Total Units	33%	53%	14%	100%

4.0 Planning Authority Decision

4.1. Decision

The planning authority granted permission for the proposed development on 24th January 2026, subject to 17 conditions. This appeal includes a first party appeal against condition 14 and 3 no. third party appeals against the planning authority's decision to grant permission.

The attached conditions are standard in nature (construction, operation, technical, procedural, and financial). Those of note or specific to the proposal or subject of the appeals include the following:

Condition 6: Construction Management Plan shall be submitted

Condition 8: phasing of the development shall be agreed.

Condition 9 and 10: hard and soft landscaping and boundary treatments.

Condition 14:

(a) The first occupation of any residential unit shall be by individual purchasers or by those eligible for the occupation of social and/or affordable housing, including cost rental housing, and shall not be by a corporate entity.

(b) No occupation of any residential unit shall occur until confirmation from a solicitor with professional indemnity insurance has been submitted to and agreed in writing by the Planning Authority confirming that the dwellings have been sold in accordance with this condition.

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.*

4.2. Planning Authority Reports

4.2.1. Planning Reports

The planners report includes an assessment of the proposed development in respect of the following considerations:

- Principle of Development
- Previous Grant
- Demolition of 3 dwellings at Coastguard Terrace
- Density
- Proposed Design and Building Height
- Impact on residential amenity
- Private amenity area and communal / public open space

- Parking and bicycle parking
- Traffic and Access
- Landscaping/Boundaries
- Noise
- Waste
- Flood Risk
- Social Infrastructure Audit
- Assessment of compliance with Sustainable Urban Housing Design Standards for New Apartments- Guidelines for planning authorities 2025
- Part V
- Services
- Appropriate Assessment
- Environmental Impact Assessment

The planning authority sought further information in relation to the following

1. Encroachment of Block B onto the railway property specifically the railway embankment and masonry wall.
2. Design statement to show how the development represents a good design response for the site references CPO 6.18 of the CDP, location of site adjacent to a Protected Structure, within listed Prospect No.6 and the ACP decision for 248754 on the subject lands which required revised plans to be submitted to omit the third floor.
3. Structural report to demonstrate that the works will not impact upon the laneway that provides access to the Coastguard terrace.

The response to RFI was considered acceptable and recommended a grant of permission.

4.2.2. Other Technical Reports

- Roads: no report received.

- Bray MD Engineer: no report received.
- CFO: no objection subject to condition.
- Housing: proposals noted.
- Heritage: no report received.

4.3. **Prescribed Bodies**

Transport Infrastructure Ireland (TII): PA to have regard to provisions of official policy for development proposals, including those impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'.

Irish Rail: Applicants site encroaches onto railway property specifically the railway embankment and masonry wall which must remain accessible for inspection and maintenance.

Uisce Éireann: Confirm that a Confirmation of Feasibility has been issued advising that waste and wastewater connections are feasible, subject to a Connection Agreement and UÉ requirements.

The application was also referred to The Arts Council, An Taisce, Childcare Committee, Department of Housing Local Government and Heritage, Failte Ireland, Heritage Council, and NTA, and no reports received.

4.4. **Third Party Observations**

The planning authority indicates that 45 no. submissions were received from third party observers during the assessment of the application, and summarises the objections, identifying areas of key concern.

I have reviewed the submissions on file, and confirm that the issues raised in the third-party submission continue to form the basis of the appeal (excessive density and scale of development, loss of existing residential amenity, overlooking, overshadowing and overbearing, adverse visual impact, loss of car parking, excessive traffic and parking in local road network, impact on Coastguard Terrace) which are outlined in detail in section 9.0 below.

5.0 Planning History

5.1. Appeal Site

PA Reg.Ref.23/786: Retention Permission **granted** 12//02/2024 for a surface carpark as constructed, under Planning Reg. Ref. 12630002, accommodating a total of 136no. carparking spaces of which 6no. are accessible spaces; 19no. bicycle stands to accommodate 38 bicycles; use as a venue for occasional outdoor amusement, carnival and festival space on a hard landscaped surface; portable cabin for storage and night time security; together with associated siteworks for a temporary period of 5 years.

Condition no. 2 excluded the use of the site as a venue for occasional outdoor amusement, carnival and festival space on a hard landscaped surface. **Condition no. 3** limited the retention of the surface car park for a period of four years.

ABP-312888-22: Notice of Entry on the Vacant Site Register at Lands measuring 0.52ha located at Bray Seafront Carpark (former Dawson's Amusement site), Stand Road Bray, Co. Wicklow. The Commission decided to cancel the entry on 5th October 2023.

PA Reg.Ref.17/359 ABP-248754-17: Permission **granted** 13/11/2017 for development of 92 (reduced from 106) apartments, 5 commercial units, car parking, childcare facility, demolition of residential buildings to rear of site, landscaping, boundary treatments and services.

Condition no. 2 (a) required the omission of the entire third floor of Block A resulting in the loss of 12 no. apartments. Condition no. 2 (b) required the omission of a further 2 no apartments on the fourth and fifth floors of Block B. This permission was not implemented on site and has expired.

5.2. Lands Adjacent to the South

PA Reg.Ref. 22/1410: Permission **granted** 23/05/2023 for amendments to previously approved Planning Ref. 18/936 & 22/475 at this site known as the former Bray Head Hotel (a Protected Structure RPS Ref. B99). This permission has been implemented on site.

PA Reg.Ref. 22/475: Permission **granted** 26/07/2022 for amendments to previously approved (Planning Ref .18/936) at this site known as the former Bray Head Hotel (a protected structure RPS Ref 899) comprising of the following: a) the removal of 4th Floor penthouse above existing protected structure, b) the re-configuration (within granted building footprint/same floor area) of the granted 44 no. apartments to increase unit numbers to 49 no. apartments consisting of 1 no. studio, 19 no. one beds, 20 no. two beds and 9 no. three bed apartments, c) the removal of the granted penthouse stairwell serving the upper floors, and the incorporation of resulting floor area into the Ground Floor commercial unit. d) Elevational changes to reflect reconfiguration apartment layouts with amended fenestration. e) the addition of 6 no parking spaces to the granted 46 spaces, a proposal of 52 spaces in the revised parking layout, including 5 EV charging stations. f) reconfiguration of the hard and soft landscaping, bicycle parking and all associated site works

PA Reg.Ref. 18/936: Permission **granted** 3/05/2019 for partial demolition, refurbishment and reconfiguration of hotel including refurbishment and alterations to front façade, removal of signage, construction of 4th (5th storey) penthouse, construction of 5 storey over podium residential block to rear to provide for mixed use residential and commercial development with 46 car parking spaces and 114 cycle parking spaces.

6.0 Policy Context

6.1. County Development Plan

The local policy context guiding future growth in Bray town is determined by the Wicklow County Development Plan 2022-2028 and Bray Municipal Local Area Plan 2018-2024 (previously expired).

The Wicklow County Development Plan 2022-2028 was varied under **Variation No. 2** to include existing LAP's until they are replaced. The Wicklow County Development Plan 2022-2028 was further varied **under Variation No. 5** (Core Strategy and housing objectives) and came into effect 30th March 2026.

Wicklow County Development Plan 2022-2028 (as varied) (the CDP)

Wicklow CDP contains policy in several chapters which establish the context for the proposal. I refer the Commission to the applicant's Planning Report (pgs. 46-57) and/or the planning officer's report (pgs. 5-13) which cite several objectives.

I identify the policy and objectives in **Chapter 3** Core Strategy (as varied March 2026) (housing targets for Bray during the CDP period), **Chapter 4** Settlement Strategy (designation of Bray as a Metropolitan Key Town, policy for compact growth, increased densities, and building heights in CPO 4.1-4.3), **Chapter 6** Housing (as varied March 2026) (commercial institutional investment in CPO 6.2, qualitative and quantitative requirements in CPO 6.3-6.5, densification in CPO 6.14-6.18), **Chapter 17 Biodiversity** (protection and enhancement in CPO 17.14), **Chapter 19** Marine Spatial Planning and Coastal Zone Management (CPO19.16), (and Appendix 1 Design Development Standards (several qualitative and quantitative requirements) as being applicable to the proposed development.

Bray Municipal District Local Area Plan 2018-2024

Bray Municipal District Local Area Plan 2018-2024 (LAP) is of most direct relevance to the proposed development. I identify the zoning objective, as being applicable to the proposed development.

The site is zoned SF – Bray Seafront 'To provide for the development and improvement of appropriate seafront uses' in the Bray Municipal District Local Area Plan 2018. The land use zoning objective is further described as follow:

'To protect and enhance the character of the seafront area and to provide for mixed use development including appropriate tourism, retail, leisure, civic and residential uses. The Seafront area shall be promoted as the primary tourist, recreational and leisure centre of Bray'.

It is noted that Wicklow County Council invited submissions on the Draft Bray Municipal District Local Area Plan (LAP) 2025 from 20th November 2024 to 18th December 2024. Work has since commenced on the preparation of the new Bray Local Area Plan, but the Draft Plan is not published to date. The Bray Local Area Plan, 2018-2024 is therefore considered to be the Plan in force at the writing of this Report.

6.2. National Planning Context

The national policy context guiding future growth in Bray town is determined by the National Planning Framework (NPF) and the requirements of several section 28 Ministerial Guidelines.

These require the compact growth of existing settlements through the delivery of new homes in the towns' existing built-up footprints, and for infill sites the consolidation of future residential development through increased densities and building heights.

National Planning Framework, Project Ireland 2040 (NPF)

While Bray town is located just outside of the designated 'Dublin City and Suburbs' area, the town is within the Dublin Metropolitan Area (policy context for which is expanded on in the RSES).

Accordingly, several national policy objectives are applicable to the proposed development. I direct the Commission to the applicant's Planning Report which cites several objectives.

I identify those objectives which support development in existing settlements such as Bray town, and those for future residential development in the metropolitan area (NPO 3a, NPO 4, NPO 33, and NPO 35) as being applicable to the proposed development.

Section 28 Ministerial Planning Guidelines

Several national planning guidelines are applicable to the proposed development (increased residential densities and building heights at certain types of locations, achievement of certain standards for apartment development). The relevant guidelines include the following (my abbreviation in brackets):

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Sustainable Residential Development Guidelines). Applicable policy includes:
 - Section 3.3: contains Table 3.3 which defines categories of urban areas within 'Metropolitan Towns'. 'Metropolitan Towns – Suburban/ Urban Extension' is described as comprising low density car orientated residential areas constructed at the edge of the town, while urban

extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for mixed-use (including residential) development. For such locations, the guidelines state that densities in the range of 35dph-50dph should be applied and that densities up to 100dph are to be open for consideration at 'accessible' Metropolitan Towns – Suburban/ Urban Extension locations.

- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility (as per definitions in Table 3.8) and secondly on criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Section 3.4: contains Policy and Objective 3.1 which requires the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further, where appropriate, using the criteria set out in Section 3.4.
- Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: includes achievement of housing standards as follows:
 - **SPPR 1 – Separation Distances** which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of apartment units above ground floor level.
 - **SPPR 2 – Minimum Private Open Space** (new standards for houses) private open space for apartments remains as per the Apartment Guidelines.
 - **Policy and Objective 5.1** which requires a public open space provision of between 10%-15% of net site area.
 - **SPPR 3 – Car Parking** which restricts the maximum rate of car parking provision for residential development in 'accessible' locations to 1.5 no. spaces per dwelling (exclusive of visitor spaces).

- **SPPR 4 – Cycle Parking and Storage** which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- **Section 5.3.7 – Daylight** indicates that a detailed technical assessment is not required in all cases, regard should be had to performance and wider planning gains, and compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, July 2023 (Apartment Guidelines).
Applicable policy includes:
 - Section 2.4 defines accessible urban locations as those within 5 minutes or 400m-500m walking distance to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.
 - Section 2.4 identifies accessible urban locations as being suitable for large-scale high density apartment developments (no upper density range is specified, and the minimum density for the next lower tier is indicated as 45dph).
 - **SPPR 1** specifies that apartment schemes can contain up to 50% 1 bedroom apartments and no minimum % of 3 bedroom apartments unless otherwise indicated in a CDP HNDA.
 - Standards and requirements of **SPPR 3** (minimum floor, storage, private open space areas for 1-3 bedroom units), **SPPR 4** (33% to be dual aspect units in accessible urban areas), **SPPR 5** (minimum 2.7m requirement for ground level floor to ceiling height), and **SPPR 6** (maximum of 12 apartments per floor level per core).
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines). Applicable to the proposed development includes:

- Section 1.9 requires building heights of at least 3 to 4 storeys, coupled with appropriate density, in locations outside city and town centre areas to be supported in principle at development management level.
- SPPR 4 requires:

It is a specific planning policy requirement that in planning the future development of ... edge of town...locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 ...;

2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and

3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines).
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines).
- Local Area Plans, Guidelines for Planning Authorities, 2013 (LAP Guidelines).
- Development Management, Guidelines for Planning Authorities, 2007 (Development Management Guidelines).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023 (Commercial Institutional Investment Guidelines).

6.3. **Regional Planning Context**

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) for Dublin City and its wider suburbs. Bray

is located within the MASP, designated as a 'Key Town', and located on the North-South Strategic Development Corridor.

Accordingly, several regional policy objectives are applicable to the proposed development. I identify those objectives which support development in Bray town (RPO 4.37, 4.38, and 4.41) and future residential development in the MASP (RPO 5.3-5.5) as being applicable to the proposed development.

6.4. Water Framework Directive

The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

The site is located within the Ovoca Varty (Catchment ID 10) Water Framework Directive catchment area, and in the Dargle_SC_010 (Sub-catchment id 10_5). The nearest river waterbody to the site is the Swan River (a tributary to the Dargle) which is located c. 1.4km west of the site which flows into the Dargle River and the Irish Sea at Bray Harbour.

6.5. Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA. There are several environmental and conservation designations which are in proximity of the site, in both inland and coastal locations.

The European site designations in proximity to the appeal site include (measured at closest proximity):

- Bray Head SAC (000714) is c.0.25km to the east.
- Ballyman Glen SAC (000713) is c.3.25km to the west.
- Knocksink Wood SAC (000725) is c.5.1km to the west.

- Rockabill to Dalkey Island SAC (003000) is c.5.5km to the north.
- Glen of the Downs SAC (000719) is c.6.14km to the south.
- The Murrough SPA (004186) is c.7.5km to the south.
- Murrough Wetlands SAC (002249) is c.7.5km to the south.
- Dalkey Islands SPA (004172) is c.8.km to the north.
- Wicklow Mountains SPA (004040) is c.8.9km to the southwest.
- Wicklow Mountains SAC (002122) is c.9.38km to the southwest.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is c.11.74km to the north.
- South Dublin Bay SAC (site code 000210) is c.11.74km to the north.

There are pNHA designations that align/ crossover with European site designations above, including the:

- Bray Head pNHA (000714) is c.0.25km to the east.
- Ballyman Glen pNHA (000713) is c.3.25km to the west.
- Dargle River Valley pNHA (001754) is c.3.42km to the west.
- Kilmacanogue Marsh pNHA (000724) is c.4.25km to the southwest.
- Great Sugar Loaf pNHA (001769) is c.4.62km to the southwest.
- Powerscourt Woodland pNHA (001768) is c.5km to the west.
- Knocksink Wood pNHA (000725) is c.5.1km to the west.
- Glen of the Downs pNHA (000719) is c.6.14km to the south.

7.0 EIA Screening

- 7.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 The Appeal

8.1. Grounds of Appeal

First Party Appeal

The first party appeal relates to Condition 14 (cited in section 4.0 above), which restricts the first occupation of the permitted apartments, and requests that the Commission remove the condition.

The grounds of the appeal include:

- Restriction of first occupation of the permitted apartments to individual purchasers or persons eligible for social and/or affordable housing, and not a corporate entity – incorrectly applied.
- Refers to the Commercial Institutional Investment Guidelines – restrictions only apply to ‘own door’ houses and duplexes, not apartments.
- Refers to planning inspectors reports and decisions where same condition was not applied.
- Refers to legislation (section 139(1)) whereby the Commission can exercise its discretion to remove condition no. 14.

Third Party Appeals

The 3 no. appeals are against the planning authority’s decision to grant permission. The appeals are made on behalf of the residents of no.1-5 Coastguard Terrace, which adjoin the subject site to the northwest, residents of no.75 and 76 Newcourt Road located to the west of the appeal site and railway line, and the Bray Residents Association.

Several grounds of appeal are cited, the key points of which can be summarised as follows:

Planning Policy

- Non-compliance with relevant policies and objectives of the Wicklow County Development Plan 2022-2028 and the Bray Municipal District Local Area Plan (LAP) in terms of height within the Seafront Zone.

Design/Visual Impact

- Excessive scale and building height
- Block B dominant/visually obtrusive

Residential Amenity

- Overlooking from Block B and Balconies
- Overbearing, overshadowing and loss of privacy
- Adverse impact from traffic, noise and disturbance

Landscape and Visual Impact Assessment

- Failure to assess potential impacts

Car Parking

- Loss of car parking, spillover onto residential streets
- Transport assessment does not reflect weekend peak period demand
- PA assessment does not take account of consequences arising from loss of carparking

Access - Reliance on narrow lane with limited legal right of way

Traffic - Inadequate assessment of cumulative and crèche related traffic impacts

Pedestrian safety - child welfare in a residential environment

Boundary - Breach of boundary treatment

8.2. **Applicant Response to the 3rd Party Appeals**

The applicant made a response to issues raised in the 3 no. third party appeals in respect of the following items:

Traffic Impact/Crèche related impacts –

- Development will be primarily accessed via Strand Road and not Coastguard Terrace.

- All car parking spaces are accessible via Strand Road only, save for 1 no. accessible space accessed via Coastguard Terrace.
- Refute assertion that the proposed development will result in an intensification of traffic along Coastguard Terrace.
- Crèche entrance is along Strand Road and will therefore not increase traffic along Coastguard Terrace.
- Introduction of a creche within a residential development represents a positive contribution to the level of traffic demand in the area rather than a negative factor.

Breach of boundary treatment –

- Submit boundary lines are not being breached and therefore private property boundaries are not being infringed upon.

Residential Amenity/Child Safety –

- Refer to Traffic Management Plan and Road Safety Audit which provides safe separation distances to ensure safety for residents.

Impacts during Construction Phase –

- Construction Management Plan shall be submitted as per Condition 6.

Loss of Car Spaces –

- Car park is privately owned and has not been used by the general public for a number of years; therefore, proposal will have no measurable impact.

Decrease in Property Value –

- Not a material planning consideration.
- Dispute proposed development will devalue or diminish residential amenity.
- Request for structural survey unnecessary and unreasonable.

Visual Impact, Scale, Height, and Visual Impact –

- Redesign in response to RFI with omission of third floor from Block B and one unit from Block A will reduce massing and overbearing impact of blocks and result in a lower overall massing than the original scheme.

- Will not result in unacceptable overlooking overshadowing or loss of privacy to adjoining properties.
- Landscape and Visual Impact assessment robust and comprehensive.
- Given the topography of the site which is below the cottages on Coastguard Terrace the proposed development would not result in overlooking.
- Photomontages demonstrate that the proposed development will not be dominant in the skyline and is inaccurately depicted in third party appeal.

Further Information Response – Submit was appropriately responded to.

8.3. **Planning Authority Response**

No response was received from the planning authority in respect of the first- or third-party appeals.

8.4. **Observations**

- None.

9.0 **Assessment**

9.1. **Introduction**

Having examined the appeals and all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in the appeal to be as follows:

- Policy Context
- Height, Scale and Massing
- Residential Amenity
- Traffic, Access, and Parking
- Water Services and Flooding
- Planning Conditions

9.2. Policy Context

The zoning of the site previously expired under the Bray Municipal District Local Area Plan 2018-2024 (LAP). Variation No.2 of the Wicklow County Development Plan 2022-2028 effectively reinstated the previous Bray Seafront 'SF' zoning.

The stated objective for the Bray Seafront is 'To provide for the development and improvement of appropriate seafront uses' in the Bray Municipal District Local Area Plan 2018. A mixed-use development is acceptable within this zoning.

For the purposes of this assessment the site is considered zoned serviced land. I note that the principle of development at the subject site was accepted by the P.A. based on the site's Seafront zoning.

Based on the CDP planning principles and policies in relation to Bray town and development within same per Section 6 above, where mixed use development is generally provided for, I note the site's location with a Level 2 Metropolitan Key Town. Section 3.4 of the CDP, the CDP states that "*there shall be no quantitative restriction inferred from this Core Strategy and associated tables on the number of units that may be delivered on town centre regeneration / infill / brownfield sites*".

I note the policies of the Development Plan which encourage and provide for such regeneration of brownfield sites with no quantitative restriction for the settlement. I note policies which seek consolidation (principle 1: compact growth of the zoning principles and principle 2: delivery of population and housing targets, principle 3: higher densities, principle 4: sequential approach) and development of such serviced sites within settlements for housing including within Bray town per Section 3.4.

In this context, I consider the proposed use of the site which is currently underutilised as a surface car park/ event space, to be acceptable in principle at this location within the urban built-up area generally surrounded by existing residential and tourist/leisure development.

I also refer the Commission to the previous history on this site under ABP-248754-17 whereby permission was granted in 2017 for a substantially similar mixed use development on these lands. The permitted development provided for 92 residential units, 5 commercial units and a crèche, and ranged in height from between 5-6 storeys.

Having regard to the Guidelines for Sustainable Residential Development and Compact Settlements and the provisions of the current development plan and local area plan the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide additional residential development at this location. I propose to address such matters in the following sections.

Conclusion

In conclusion, I consider that the proposed development complies with the Bray LAP in terms of pertinent considerations of zoning and land use envisaged for the site. I assess the planning merit and appropriateness of the remaining appeal ground items relating to building height, residential and visual amenity of the CDP and the LAP in the following sections.

9.3. Height, Scale and Massing

The appeal grounds include objections to height, scale and massing of the proposal and the resultant adverse impacts in terms of visual and residential amenity (considered in the following subsection).

The appellants submit that the proposal is contrary to CPO 6.18 of the CDP which seeks '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; and views and vistas.'

CPO 19.16 seeks 'To enhance the visual, recreational and natural amenities of the Bray coastal area, in accordance with the policies and objectives set out in the County Development Plan and the Local Area Plan for Bray.'

The appeal grounds also submit that the proposal is inconsistent with Specific Objective BT3 of the Bray Municipal District Local Area Plan, which states '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).'

In response the applicant refers to the emerging context of the area and notes the mixed height in the immediate area surrounding the application site. The applicant refers specifically to the permitted development on the adjoining former Bray Head Hotel permitted by the Commission which provides for 5 storeys over surface car park. I would however agree with the applicant that the permitted development on the subject site and on the adjoining site of the former Bray Head Hotel have clearly established a constructive precedent for the development as proposed.

I note also the examples cited by the applicant in the application of similar seafront developments which include the Marina Village, Greystones granted under ABP-308561-20 and the former Dell site at Vevay Road and Boghall Road, Bray granted under ABP-319474-24. It is submitted by the applicant that these decisions establish precedent for large scale mixed use modern schemes on the waterfront. While these decisions are noted the subject application is assessed on its own merits.

Building Height

In terms of principle, the proposal as lodged includes two residential blocks Block A which ranges in height from 5-6 storeys and Block B which ranges in height from 4-6 storeys (5 storeys from ground floor level on Coastguard Terrace). The height of Block B located closer to adjoining residential development was reduced in RFI to 4 - 5 storeys.

The national context for appropriate building heights for infill sites in accessible locations such as the appeal site (see section 6.0 above, in particular SPPR 4 of the Building Height Guidelines), is wholly supportive of and indeed requires developments of up to 4 storeys in height.

I also note from my site visit that the newly constructed extension to the adjoining residential development at the former Bray Head Hotel, sits well into the street space and immediate surroundings.

I consider the height of the proposal to be materially consistent with the guidance indicated in CDP and the Bray LAP (which allows for heights up to 4 storeys at the site) particularly when considered in the overriding context of the national policy.

Visual Impact

In terms of the visual impact of the proposed development, I have reviewed the Architectural and Urban Design Statement, Photomontages and CGI's, Daylight and Sunlight Assessment, and all relevant plans (block elevations, contextual elevation and cross sections both submitted with the application and as revised in RFI).

I positively note the architectural approach to this proposal, whereby an overall coherent scheme is created whilst featuring distinct components.

This is achieved through the co-ordinated design of the fenestration, entrances, balconies, and screening arrangements for the blocks coupled with the staggered building lines, stepped building heights and variations in roof profile (primarily between Block A and Block B). The use of varied yet complementary external finishes for the blocks (different coloured brick) is also positively noted. I find the proposed external finishes and boundary treatments plan to be acceptable, and in my view will not detract from the visually prominent location, subject to appropriate maintenance.

The receiving area comprises a mixture of high-rise high-density built environment to the south and low-rise low-density development to the west. I find the character of the area to be divergent, not uniform, but distinct and therefore able to adjust to a denser form of development at the site. The proposed is characterised by its use of a mid-scaled block format with a modern architectural design, elevational treatment and external finish. I consider the proposal will complement and contribute to the character of the Bray waterfront. Overall, I do not consider the blocks to be excessive in terms of their scale or massing in and of themselves, or in comparison to the receiving area.

13 viewpoints are selected in the Visual Impact Statement (with existing and proposed images) representative of the site's context along the seafront and from adjacent residential streets. Proposed images were amended in RFI to reflect the design changes. At my site inspection I travelled the area noting these viewpoints and confirm the accuracy of same. The views comprise a mix of fore, mid, and far

distances. While the appellant is critical of the Visual Impact Statement, I consider the methodology used to be acceptable, robust and can be relied upon.

While the proposals height, scale and massing are visible in the fore and/or mid-ground distances, I do not consider these to overly dominate the views (due to the effective use of external finishes to reduce the bulk and massing, the stepped building heights, and the screening provided from new planting along site boundaries, in particular the western boundary), or to result in abrupt transitions in scale and massing (due to the separation distances and lower site levels from that of the adjacent properties), or to cause injury to the streetscapes (due to the design which compliments the new extension to the Protected Structure).

The applicants appeal response notes the depiction of the proposed development as viewed from residential areas to the west is highly inaccurate and refer to the photomontages submitted which it is asserted will not be visually dominant in the skyline. I have examined the photomontage submitted by third parties and can confirm from my site visit that the development as viewed from residential properties to the west it is not representative of the proposed development.

In my opinion, the degree of impact on the visual amenity of the area is likely to be moderate negative (during the construction phase) through to moderate neutral positive given the extent of change (though not adverse) of the appearance of the site once developed. I consider the proposed development will not have a negative effect on the site and receiving area, or cause undue injury to same, from any viewpoint due to the existing character of the area (notably divergent) and its capacity to absorb a relatively high degree of change in its built environment.

Conclusion

In conclusion, I am satisfied that the design and layout of the proposal are acceptable in terms of building height, scale and massing. I positively note the design approach taken in the scheme, its relationship with and regard given to the receiving area. I am satisfied that the proposed development is an appropriate design solution for this site and will not have undue impacts on the visual amenities of the receiving area.

9.4. **Impact on Residential Amenity**

The appeal grounds raise several issues relating to the adverse impact on the residential amenity of existing properties (in particular those of no.1-5 Coastguard Terrace, which adjoin the subject site to the west, the single storey cottages which adjoin the railway line to the west, and residents of no.75 and 76 Newcourt Road on the opposite side of the single storey cottages further to the west. Concern is also raised in relation to the impact of the proposed on the residential of the existing laneway serving Coastguard Terrace.

Existing Residential Amenity

Impacts on existing residential amenity include those relating to overlooking, overshadowing, overbearance, and disruption associated with the construction phase activities and operation phase noise and traffic generation.

In considering overlooking, I highlight the fundamental context of the receiving area. As the site is not adjacent to the rear of any residential properties, the proposed development addresses the front elevations of the proximate residences, each separated by roads and/ or screening. Overlooking, causing a loss of privacy, is that which occurs to the private amenity space and/or windows to the rear/sides of residential properties. Overlooking of windows to the front of properties is not considered to be a reasonable cause of disamenity as these are the public interfaces for such properties and potential overlooking would be no greater than exists or would be caused from the public realm (i.e., passerby at street level, road users in taller vehicles).

Further the separation distances from the west facing apartments in Block A to the Coastguard Terrace residences are between 30m-35m. The separation distances from the west facing apartments in Block B to the rear of the single storey residences on Newcourt Road are between 29m-20m. While I acknowledge the concerns raised by the appellants, at these distances, the proposed development will not realistically result in undue overlooking impacts on the adjacent properties. By way of comparison, these distances are well in excess of the 16m separation distance recommended by SPPR 1 of the Compact Settlement Guidelines between sides/rears of residences.

In respect of overshadowing, I have reviewed the Daylight and Sunlight Assessment (DSA) report and the amended DSA submitted in RFI and consider the methodology used to be accurate and robust. The DSA outlines the impact of the proposal on the daylight/sunlight available to existing dwellings (5 properties assessed). The recorded results are within the BRE standards for access to daylight (VSC), sunlight (APSH), and amenity spaces indicating no impact on neighbouring residences. I have considered the issue of overbearance in the context of the visual impact of the proposal in the previous subsection 9.3 above.

In respect of construction and operation phase impacts, I consider that these are within acceptable parameters for a large-scale, high-density development such as the proposal at a location in a built-up serviced area such as the appeal site. The likely anticipated impacts will be mitigated by measures included in the Construction Management Plan, Acoustic Design Statement, Transport Statement, and Residential Travel Plan.

Future Residential Amenity

Key considerations in determining the level of amenity for future residents of the scheme include the apartment mix, accommodation design and standards, and open space provision and function. The proposed development is subject to the requirements of national policy in the Compact Settlement Guidelines and the Apartment Guidelines, both of which include several mandatory SPPRs.

With regard to amenity levels of future residents of the scheme, I confirm to the Commission that I have reviewed the range of plans and relevant particulars, including the Architectural and Urban Design Statement, Housing Quality Assessment/ Schedule of Accommodation, DSA, Landscape Report and associated landscaping plans, Social and Community Infrastructure Audit, Transport Statement and Residential Travel Plan. In short, I find that the proposed development materially complies with standards for residential development included in the national planning guidelines and local policy context (cited in section 6.0 of this report above). I am satisfied that the proposed development will afford future residents with acceptable levels of amenity, in a well-designed, serviced, and managed development.

Childcare Facility

A childcare facility (243sqm) is sited on the southern portion of the ground floor level of Block A. On the western side of the facility is an enclosed area comprising the outdoor play space (c.70sqm) and quiet garden. Pedestrian access to the crèche is provided at ground floor level from the front east facing elevation of the block, and internally from the under-croft car park. I have reviewed the location and layout of the crèche within the scheme and consider the design, siting, and layout to be acceptable, being well orientated and readily accessible.

Issues are raised by the appellants in relation to access to the crèche from the laneway serving Coastguard Cottages. I can confirm that in response to the grounds of appeal the applicant confirms that 1 no. accessible car parking space will be provided at podium level (located next to Block B) and this is to be accessible via Coastguard Terrace. I consider this reasonable and will in my opinion generate a negligible increase in traffic along the lane.

The childcare facility has an indicated capacity of 27 childcare spaces. The applicant indicates that there are currently a suitable quantity and available capacity of existing childcare facilities in the surrounding area to cater for the future needs of the scheme. I calculate the proposal generates a requirement for c. 24 childcare spaces in accordance with the Childcare Guidelines.

I find that the calculation of the childcare demand to be reasonable and justified (I note the analysis undertaken in the Social and Community Infrastructure Audit on existing facilities, needs, demands and capacity). The childcare facility is a positive component of the proposals and its provision will serve both residents and the community. Final agreement on its finishes, signage and operation can be addressed by condition.

Conclusion

In conclusion, I have considered the residential amenity for existing and future residents. For existing residents, I consider that the proposed development will not injure the residential amenity of adjacent properties or amenities in the wider area. I find that future residents will be provided with residential accommodation of an acceptable standard and enjoy a high level of residential amenity.

9.5. Traffic, Access and Parking

The third-party appeals raise concerns in relation to excessive traffic generation, negative impact on the local road network, loss of car parking and claims of overspill parking on adjacent roads.

Traffic Generation and Impact on Road Network

In relation to traffic generation, I have reviewed the applicants Transport Statement and Residential Travel Plan. I have also undertaken a site visit and travelled several streets and roads in the area midweek.

The site is served by a local road network which is well connected to bus routes and light rail via the DART. Bray DART Station is located approximately 1.2km (15m walking time) from the proposed development. DART services operate every 10 minutes all day providing high frequency services to Greystones to the south and Malahide/Howth to the north via Dublin City Centre.

The Transport Statement refers to the existing and proposed local road network, existing and proposed public transport (Bus Connects and DART+) and the walking and cycling infrastructure in the vicinity of the site.

The Transport Statement establishes the existing traffic volumes at the existing entrance to the proposal. The current site operates as a surface car park with 136 no. car parking spaces. It has vehicular access via Strand Road. Parking will be provided via an under-croft car park which includes a total of 82 car parking spaces and 259 cycle parking spaces.

The report notes that during the site development works the proposal will result in traffic activity, however due to the proximity of the site to public transport, there are sustainable transport options available to workers.

The proposed development is to be served by two entrances (existing entrance on Strand Road and new entrance on access laneway).

Trip Generation Rates were derived using the TRICS database. The proposed development will generate 8 arrivals and 20 departures in the AM peak (two-way total of 28). The total number of vehicle movements in the PM peak hour will be 16 arrivals and 11 departures (two-way total of 27).

Once operational, (comparing the existing land use to the proposed land use), there is a net increase in 2 trips in the AM peak period and a net decrease of 28 trips in the PM peak period. I note the restricted car parking numbers which would affect the trip generation of the development.

I am satisfied therefore that the proposed development will have a negligible impact on the local road network compared to the existing land use.

I am satisfied that the results of the junction analysis undertaken demonstrates that traffic from the proposed development can be accommodated on the surrounding road network and is within reasonable limits having regard to the prevailing road conditions and development location.

I note measures have been incorporated into the proposals design and/or mitigation measures including the implementation of the Residential Travel Plan, provision of cycle parking at higher rates and car parking at reduced rates (as per the 2022 CDP).

While I acknowledge concerns raised in relation to traffic and parking in the grounds of appeal, however these issues are the norm in an urban area and particularly at town locations in such close proximity to the seafront. The planning authority did not raise any objection to the proposed development on traffic grounds, nor did the NTA as a prescribed body consulted on the application. The site and surrounding lands are zoned for development in the Bray LAP, and it is reasonable to anticipate that such development will generate traffic. Several issues raised are beyond the scope of the appeal and relate more strategically to the wider land use and transportation planning for the town of Bray.

I consider that in the documentation submitted (e.g. the Transport Statement and Residential Travel Plan has identified existing and planned transport services and considered future capacity) the applicant has adequately demonstrated that the proposed development is not likely to cause congestion or to have an adverse impact on the traffic conditions of the surrounding area. This is a conclusion with which I concur.

Parking Provision

The proposed development includes totals of 82 car parking spaces and 259 cycle parking spaces at basement and surface level. In respect of car parking, there are

claims that the loss of public car parking will lead to overspill in the local area and excessive traffic generation.

In terms of car and cycle parking provision, I have had regard to SPPR 3 and SPPR 4 respectively of the Compact Settlements Guidelines (see section 6.0 above). Car Parking Provision is outlined in Table 4 and identifies a provision of 17 no. car parking spaces for the originally proposed 34 no. 1 bed apartments, (approximately 50%). By comparison 1 no. carparking space is provided for each of the 50 no. 2 bed apartments and each of the 15 no. 3 bed apartments (which equates to 1 space per 2 and 3 bed apartment). While the no. of units was reduced in RFI the no. of car parking spaces remained unchanged.

For the number of apartments permitted therefore, I consider 82 no. car spaces to be an appropriate level of provision. I have formed this view on the basis of the location proximate to high frequency public transport routes and cycling infrastructure which promote sustainable travel.

I note the provisions of the Residential Travel Plan and Parking Strategy relating to the management of same. Similarly, I consider 259 cycle spaces to be an appropriate level of provision (equates to 2.84 spaces per apartment/ including visitor, notably in excess of the requirement for 165 spaces as the guidelines require 1 space per bedroom).

As such, I find the both the car and cycle parking provision to be an appropriate response for the proposed development and the appeal site. Also, I find the siting, layout, facilities, access arrangements (I positively note the inclusion of cargo bike spaces) related to the car and cycle parking to also be acceptable. Requirements for EV charging can be subject to condition in the event of a grant of permission.

Other Considerations

The planning authority attached conditions to the grant of permission relating to transport matters. I recommend the continued inclusion of conditions relating to the agreement on final road safety and quality audits. I also recommend conditions relating to the implementation of mitigation measures included in the Transport Statement and the Residential Travel Plan, and that the internal layout of the scheme accords with the requirements of DMURS and the National Cycle Manual.

Conclusion

In conclusion, while I acknowledge third party concerns in respect of traffic generation and parking arrangements, I consider that the proposal is of a scale and intensity of use that will not cause undue transportation impacts and incorporates several measures to address identified impacts. I am satisfied that the proposal is acceptable in terms of pedestrian, cyclist and traffic safety and convenience. In the event of a grant of permission, I recommend that standard and project specific conditions be attached, the latter requiring final agreement with the planning authority.

9.6. Water Services and Flooding

The proposed development seeks connections to the public systems for water supply, wastewater drainage, and surface water drainage. The existing services are located on Strand Road at the eastern boundary of the site, which would have served the former amusement arcade on this site.

I have reviewed the applicant's Engineering Roads and Services Report which includes a scoping Flood Risk Assessment (FRA).

Surface Water Management

The Engineering Roads and Services Report notes that there is a large diameter culvert along Putland Road passing below the railway bridge, which is a culvert to the historic Cockbrook Stream and has been in place since the construction of the railway track and bridge. Surface water drainage from the site discharges to the Irish Sea via this pipe.

The on-site system includes several SuDS features of green roofs to Block A (60%) and B and blue roof to podium slab level, permeable paving to plaza area in front of the development.

The planning authority has not raised any issue regarding the discharge of surface water to the proposed surface water system, or the capacity of the existing public surface water drainage system to accommodate the proposed development.

As such, I find the proposal to be acceptable as the surface water management system incorporates several SuDS features, has been designed and will be constructed in accordance with the requirements of the GDSDS. The system will be

operated and maintained in accordance with the requirements of the planning authority, and I recommend a condition be attached to this effect.

Flood Risk

A Flood Risk Assessment (FRA) has been undertaken of the proposed development at application stage. It outlines that the vast bulk of the site is located within an area designated Flood Zone C (outside of the extents of a 1 in 1000-year flood event (0.1% AEP)). It identifies a small strip at the front of the site is located within an area designated within Flood Zone B (within the extents of a 1 in 1000-year flood event (0.1% AEP)).

The FRA refers to Drawing G1577-41 which shows the extent of the site and the footprint of the proposed building relative to the 1% AEP area per the CFRAM Map, i.e. ZONE B. The FRA notes that whilst a part of the site is marginally within Zone B the footprint of the proposed ground floor is outside it. I have examined this drawing prepared by Consulting Engineers and can confirm that the proposed building footprint is outside Flood Zone B.

I am satisfied that the residential use which is located within Flood Zone C is in accordance with the Flood Risk Management Guidelines. I further note that the commercial element of Block A is located within the area designated within Flood Zone B and am therefore satisfied that this use which is a less vulnerable form of development is also in accordance with the Guidelines.

I further note the design of the proposed scheme provides for a gated basement car parking and a proposed ramp level of 3.49m OS Datum. Existing road levels indicated along Strand Road at the existing and proposed entrance is 3.04m. The entrance gates to the basement car park are located approx. 17.4m back from the entrance from Stand Road. The layout and design would appear to provide the requisite flood protection for a basement car park for the extreme flood event.

I have examined the opw website on flood maps and it appears that that there have been no incidents of flooding in the immediate vicinity of the site in the recent past. I further note that this is a serviced, appropriately zoned site at an urban location and I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management, that this matter can be adequately dealt with by means of condition.

The risks of tidal flooding are considered due to the proximity to the coast (c.30m). The risks of fluvial and pluvial flooding (surface water surcharges, drainage blocks, overland flows) are low.

The primary external flood risk to the building and occupants would result from a combination of the overwhelming or failure of the Culvert combined with a high tide. This would not be considered to have a significant likelihood.

Risk Mitigation

The proposals design and further mitigation measures address the risks. These include the incorporation of several SuDS features, raising the buildings' finished floor levels, (The ground floor level of the proposed development, at 3.5m OD, is 770mm above the 1% AEP level and 170mm above the 0.1% AEP level) attenuation design capacity for 1 in 1000-year storm events, and ensuring that the floor level will allow overflow to the open sea in the event of a catastrophic failure of the existing main drainage prior to water levels rising to the extent that it poses a risk to occupants.

Proposed additional risk mitigation

It is noted in the FRA that overflow of excess water from the area to the sea is constrained by a wall between the car park and the beach. It is noted that there is a gap in this wall behind the Old Boat House (Bray Rowing Club), but that this is not quite the low point of the footpath in the area. The footpath at the other end of the car park (near the entrance to the former Bray Head Hotel) is c. 200mm lower than that behind the Boat House. It is submitted in the FRA that an additional gap created in this wall at this point would provide additional relief from flooding of the area, including the Strand Road Car Park and the other buildings in the area, in the event of the failure of the culvert.

Whilst it is presumed that this wall protects the car park from overtopping by the sea a small gap would provide an additional outlet for flooding without significantly affecting the protection from the sea. This would benefit the whole area, not just the currently proposed development. This observation is noted but is outside the scope of this application.

I find the methodology used and information relied upon in the FRA to be accurate and robust and note that the planning authority accepted the findings of same. A condition can be attached requiring mitigation measures in the FRA to be implemented.

Water Supply and Wastewater

Finally, in respect of water services capacity, Uisce Éireann has provided Confirmations of Feasibility confirming that there is sufficient capacity for water supply and wastewater drainage, and infrastructure upgrades are not necessary to either system to facilitate the proposed development.

Wastewater arising on Strand Road, will be treated at Shanganagh WWTP, at which there is confirmed capacity to cater for the project, and discharged to necessary standards to the Irish Sea.

Conclusion

In conclusion, I consider that the applicant has sufficiently demonstrated that the water services infrastructure for the proposal will be designed, operated, and maintained to all required standards. There is sufficient capacity in the public systems to accommodate the demands arising from the proposal. Further, the proposal does not create or increase flood risk for adjacent properties, and subject to the attachment of standard conditions in the event of a grant of permission, is acceptable.

9.7. Planning Conditions

The first party and third party appeals both include objections to/ dissatisfaction with conditions attached by the planning authority to the grant of permission for the proposed development.

First Party Appeal

The applicant has appealed Condition 14 which restricts the first occupation of the residential units to individual purchasers or to those eligible for the occupation of social and/ or affordable housing, and specifically not to a corporate entity.

The applicant submits that the condition is contrary to the Development Management Guidelines (nature of conditions) and the Commercial Institutional Investment Guidelines (restriction applies to own-door houses and duplexes).

I have reviewed the Commercial Institutional Investment Guidelines and confirm to the Commission that the stated purpose is to set out planning conditions to prevent new residential development in lower density housing developments being bulk purchased for market rental purposes by commercial institutional investors. The conditions are stated as being applicable for own-door housing and duplex units. The guidelines state that planning authorities and An Bord Pleanála must have regard to the conditions as applicable.

For the Commission's reference, the standard condition attached by An Coimisiún Pleanála to grants of permission for houses and/ or duplex units is as follows:

All of the permitted house and duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex 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.*

CPO 6.2 of the CDP relates to the sale of all forms of residential development, and while I note the intent of the objective, I am mindful of the requirements of the planning guidelines on An Coimisiún Pleanála.

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

Further, I have reviewed planning history cases in Wicklow (i.e. the same administrative area as the proposed development and therefore subject to the

provisions of the CDP) and find that a condition such as Condition 14 has not been attached. I consider these Commission decisions to constitute a planning precedent for this issue. I further note no response was received from the planning authority on the appeal grounds.

I concur with the applicant and consider that first occupation restriction does not apply to proposals comprised solely of apartments, such as the proposed development, and recommend that in the event of a grant of permission, a condition such as Condition 14 should not be attached.

Third Party Appeals

Third parties have referred to condition no. 6 of the PA grant of permission which refers to the submission of a Construction Management Plan, and that the application was accompanied only by an Outline CMP. If the Commission are minded granting permission a suitably worded condition requiring a CMP be agreed with the PA can be attached. I consider this entirely reasonable.

Third parties have also requested a structural survey be undertaken of adjacent properties prior to commencement of development. I accept that the excavation works proposed in the construction of Block B particularly will require significant retaining walls be constructed similar to the existing retaining wall along the western boundary of the appeal site with the Laneway along Coastguard Terrace.

I have had regard to the structural assessment report submitted in response to item no. 3 of the RFI. I concur with the PA that the works outlined in the report will not impact upon the laneway and is acceptable. On this basis I do not consider that a structural survey is warranted. I do however note the requirements of Iarnród Éireann in relation to the railway embankment, the applicants RFI and that the PA included as a condition. If the Commission are minded granting permission a suitably worded condition in relation to this boundary can be included.

9.8. **Other Matters**

Breaches of Boundary Treatment / Legal Interest to use the Laneway: Third parties submit that existing boundaries are being breached and that the applicant does not have sufficient legal interest to use the existing laneway along Coastguard Terrace to

access Block B: The applicant has clarified in response to the appeal that boundary lines are not being breached.

It is of note that the issue of ownership is a civil matter, and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management -Guidelines for Planning Authorities (DoECLG June 2007) it states, inter alia, the following: 'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...'

Reduction in property values: Third parties submit that the proposed development would depreciate the value of neighbouring dwellings. I do not consider this a material planning consideration in this case.

10.0 **Appropriate Assessment**

10.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended, and on the basis of information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required.

10.2. This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report.
- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- Qualifying interests, special conservation interests, and conservation objectives of the European sites.

- Distances from European sites.
- Absence of any meaningful pathways to any European site.

10.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

11.0 Water Framework Directive

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development on a brownfield site, within the town boundary of Bray, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

12.0 Recommendation

12.1. Following the above assessment, I recommend that permission is granted for the development as proposed due to the following reasons and considerations and subject to the conditions set out below.

13.0 Reasons and Considerations

Having regard to the following;

- a) Policies and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Bray Municipal Local Area Plan 2018 2024, including the location of the site on lands subject to Zoning Objective 'SF: Seafront' and the permitted in principle uses therein.
- c) Policies and objectives of the Wicklow County Development Plan 2022-2028.
- d) Housing for All, A New Housing Plan for Ireland, 2021.
- e) The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- f) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2022 (updated 2023).
- g) The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018 (updated 2020).
- h) The Design Manual for Urban Roads and Streets, 2013, (updated 2023).
- i) The Childcare Facilities, Guidelines for Planning Authorities, 2001 (updated 2020).
- j) The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (updated 2020).
- k) The Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021.
- l) The Greater Dublin Area Transport Strategy 2022-2042,
- m) The nature, scale, and design of the proposed development.
- n) The availability in the area of a range of social, community, and transport infrastructure.
- o) The pattern of existing and permitted development in the area.
- p) The planning history of the site and within the area.
- q) The reports of the planning authority.

- r) The submissions received from observers and prescribed bodies.
- s) The grounds of appeal.
- t) The response to the grounds of appeal by the applicant.
- u) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

The Coimisiún considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable 'SF: Seafront' zoning objective of the Bray Municipal Local Area Plan 2018-2024 and applicable policies and objectives of the Wicklow County Development Plan 2022-2028, would constitute an acceptable mix and quantum of residential, commercial and childcare facility development, would result in an appropriate density of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity or along the Seafront, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further information submitted 23rd day of December 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. Mitigation and monitoring measures outlined in the plans and particulars, including the Demolition and Construction Waste Management Plan, Operational Waste Management Plan, Ecological Impact Assessment, Invasive Species Management Plan, Landscape Report, Acoustic Design Statement, Transport Statement, and Residential Travel Plan submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation and monitoring measures from the named reports and a corresponding timeline/ schedule for implementation of same to the planning authority for its written agreement.

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

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

4.
 - a) Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.
 - b) Details of security shuttering, external lighting, and signage for the childcare facility shall be agreed in writing with the planning authority prior to commencement of development.
 - c) Details of a maintenance strategy for all external finishes within the proposed development shall be submitted for the written agreement of the planning

authority. 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.

5. The boundary treatments shall accord with the details of the Boundaries Plan prepared by Ait Urbanism and Landscape, submitted on the 23rd day of November 2025. In particular the location and design of the retaining wall located along the boundary with the railway embankment shall comply with the requirements of Irish Rail.

Reason: In the interests of safety, security, visual amenity, residential amenity and privacy.

6. a) No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.
b) Roof areas shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose.

Reason: To protect the visual amenities of the area and residential amenities of property in the vicinity.

7. a) Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces.
b) The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

Reason: In the interests of amenity and public safety, and wildlife protection.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area, parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

10. a) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have 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.

b) Electric charging facilities shall be provided for motorcycle and/ or bicycle parking, and proposals shall be submitted to 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.

11. Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and Quality Audit(s) shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of sustainable transportation, and traffic and pedestrian safety.

12. a) The management and maintenance of the 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 so taken in charge.

b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.

c) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: In the interests of orderly development and to provide for the satisfactory future maintenance of this development.

13. a) The areas of communal and public open space in the development shall be reserved for such use, levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the Landscape Report and associated landscape plans, unless otherwise agreed in writing with the planning authority.

b) Final design, finishes, methods of construction and/ or installation of footpaths, cycle paths, seating, crossing points over SuDS features, and equipment in play areas shall be submitted to the planning authority for its written agreement.

c) The landscaping work shall be completed before any of the apartments, are made available for occupation, unless otherwise agreed with the planning authority and completed.

d) A schedule of landscape maintenance shall be submitted to and agreed in writing with the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

e) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the local authority.

Reason: In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the open space areas and their continued use for this purpose.

14. The developer shall report immediately the discovery of any archaeological finds and/ or remains during the course of groundworks/ construction works to the National Museum of Ireland and the Department of Housing, Local Government, and Heritage to ensure the appropriate protection and treatment of any such finds and/ or remains and the developer shall be prepared to implement any mitigation measures deemed appropriate by the above heritage authorities to ensure the protection of any such finds/remains impacted by the development.

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

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

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

16. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) 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 proper planning and sustainable development.

17. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. 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. 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.

Reason: In the interest of residential amenities, public health and safety.

18. a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development (apartment blocks, commercial units and childcare facility), including the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development.

Thereafter, the waste shall be managed in accordance with the agreed OWMP.

b) The OWMP shall provide for screened communal bin stores for the apartment blocks, commercial units and the childcare facility, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.

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

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

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

20. a) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

b) All development shall be carried out in compliance with Uisce Éireann codes and practices.

Reason: In the interest of public health.

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

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

22. 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 and/ or management company 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.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution

Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

Susan McHugh
Senior Planning Inspector

14th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500809-WW-26
Proposed Development Summary	99 no. unit residential development, ESB substation, upgrade to existing junction along Strand Road, general landscaping, boundary treatments, and public lighting and all associated site works.
Development Address	Bray Waterfront, Strand Road, Bray, Co. Wicklow, Site includes the existing surface car park accessible off Strand Road, and the following dwellings: Coastguard Terrace (Eircode: A98 V6K7), No. 8 Coastguard Terrace (Eircode A98 VR92) and No. 9 Coastguard Terrace (Eircode: A98 VX44), Putland Road, Bray, Co. Wicklow.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p>Part 2 of Schedule 5 Class 10(b) relates to infrastructure projects that involve: (i) Construction of more than 500 dwelling units. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district,</p>

<p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 2 Schedule 5 where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/or (iv) of the 2001 Regulations.</p>
<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500809-WW-26
Proposed Development Summary	99 no. unit residential development, ESB substation, upgrade to existing junction along Strand Road, general landscaping, boundary treatments, and public lighting and all associated site works.
Development Address	Bray Waterfront, Strand Road, Bray, Co. Wicklow, Site includes the existing surface car park accessible off Strand Road, and the following dwellings: Coastguard Terrace (Eircode: A98 V6K7), No. 8 Coastguard Terrace (Eircode A98 VR92) and No. 9 Coastguard Terrace (Eircode: A98 VX44), Putland Road, Bray, Co. Wicklow.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Permission is being sought for demolition of three no. dwellings, and construction of 2 blocks of apartments on a site which is located on the waterfront adjoining a Protected Structure. The primary access to the site is via Strand Road, with car parking provided underground. Access to the creche is via an existing roadway serving Coastguard Cottages. Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site. The development would not result in the production of significant waste, emissions, or pollutants.

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed site is located within a Town Centre; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows:</p> <ul style="list-style-type: none"> • Bray Head SAC and pNHA (000714) is c.0.25km to the east. • Ballyman Glen SAC and pNHA (000713) is c.3.25km to the west. • Dargle River Valley pNHA (001754) is c.3.42km to the west. <p>My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The site size measures c. 0.56 hectares. The size of the development is not exceptional in the context of an urban environment. There are existing dwellings adjacent to the proposed site, to the west, and commercial developments to the north and south. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>

There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

Appendix 3: Standard AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500809-WW-26	
<p>Step 1: Description of the project and local site characteristics</p> <p>I have considered the proposed residential development in light of the requirements of section 177U of the Planning and Development Act 2000 as amended.</p> <p>The subject site is currently in use as a surface car park/outdoor amusements along the southern end of Bray Seafront. The Engineering Roads and Services Report notes that there is a large diameter culvert along Putland Road passing below the railway bridge, which is a culvert to the historic Cockbrook Stream and has been in place since the construction of the railway track and bridge. Surface water drainage from the site discharges to the Irish Sea via this pipe.</p> <p>The nearest river waterbody to the site is the Swan River (a tributary to the Dargle) which is located c. 1.4km west of the site which flows into the Dargle River and the Irish Sea at Bray Harbour.</p> <p>The nearest European site to the project is Bray Head SAC (located c.250m to the east of the site). There are several other SACs and SPAs (identified in section 6.3 of this report) that are located inland of the site (c.3-9.5km to the west and south) and coastal SACs and SPAs (c.5.5km -12km to the north).</p>	
Brief description of project	<p>The project comprises the demolition of 3 dwellings (and associated structures including a timber cabin and blockwork shed), all existing hard surfaces within the site, and a section of retaining wall.</p> <p>The sloping earth bank in the south of the site and some of the ground under Coastguard Terrace will be removed, and new retaining walls will be constructed.</p> <p>A number of apartment buildings will then be constructed on site containing 99 apartments, 3 commercial units and a cr�che. Road access will be from Strand Road, and undercroft parking will be provided. Public and communal open space will be provided on a podium.</p>
Brief description of development site	<p>The project includes new hard and soft landscaped open spaces, boundary treatments, new entrance and circulation areas, surface and</p>

<p>characteristics and potential impact mechanisms</p>	<p>basement level car and cycle parking spaces, refuse areas, on site surface water drainage system with SuDS measures, and connections to public services for water supply, wastewater drainage, and surface water drainage.</p> <p>The planning authority has not raised any issue regarding the discharge of surface water to the proposed surface water system, or the capacity of the existing public surface water drainage system to accommodate the proposed development.</p> <p>The buildings and landscaped podiums have been designed as green or blue roofs, which will retain and attenuate rainfall. Outflow from these areas will be discharged at controlled rates to a local authority storm drain on Strand Road, which subsequently discharges to coastal waters. Wastewater arising from the project will be collected, discharged to the existing wastewater sewer and treated at Shanganagh WWTP, at which there is confirmed capacity to cater for the project, and discharged to necessary standards to the Irish Sea.</p>
<p>Screening report</p>	<p>Y</p>
<p>Natura Impact Statement</p>	<p>N</p>
<p>Relevant submissions</p>	<p>Uisce Éireann indicates the project can be serviced (Confirmations of Feasibility are provided for connections to water supply, wastewater, and surface water drainage to the existing services infrastructure), and that there is capacity in these public systems without requirement for any infrastructural upgrades.</p> <p>The planning authority undertook an appropriate assessment screening of the project. Consideration was given to the proximity of the site to Bray Head SAC (c.250m), and the conservation values of Bray Head SAC. It was concluded that the proposed development would not be likely to have a significant effect on the conservation values of this or any Natura 2000 site.</p>
<p>Step 2: Potential impact mechanisms from the project</p> <p>Site surveys referred to in the AASR and Ecological Impact Assessment (EclA) comprised of habitat, rare and protected plants, invasive plant species, large mammal, amphibian, reptile, and bird surveys as well as bat surveys. The surveys are indicated to have been undertaken on 15 May 2025.</p> <p>Bat surveys observed no roosts in the building/ trees at the site.</p>	

The site surveys confirm the site does not contain any protected habitats, plants, fauna, or bird species that are associated with the designations for European sites (i.e., the qualifying interests (QI) for SACs and special conservation interests (SCI) for SPAs). There is no habitat on the site suitable for use, even on a very occasional basis, by any protected bird species listed as a SCI in any European site.

The habitats at the site are dominated by buildings and artificial surfaces (Fossit code, BL3), with encroaching shrub (WS1) in the south of the site on a steep bank adjoining the Bray Head Hotel site and along the edge of the railway.

Part of the sloping bank was excavated in 2022/2023 to remove Japanese Knotweed. At the time of survey in May 2025 much of this area remained as bare subsoil, and habitat is classified as recolonising bare ground (ED2) and considered of negligible importance.

Japanese Knotweed was recorded at the south of the site (section 4.3.3). An Invasive Species Management Plan dated 4th July 2025 accompanied the application.

The site is categorised as having three ecological features of importance within the site which include invasive plant species: Japanese knotweed, nesting birds and foraging bats.

Site surveys conclude that the project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection.

European Sites

The Appropriate Assessment Screening Report (AASR) identifies 1 European site in the zone of influence of the project (Table 1, pg. 6). The table identifies the European site, states the QIs/ SCIs of the site, and outlines the conservation objectives of same (i.e. to maintain or restore favourable conditions).

Consideration is given to the likely low amounts of polluting material arising from the project, the low likelihood of a polluting event occurring, the dissipating effects of same by surface water dilution and subsequent seawater dispersal, and the separation distances involved. The AASR concludes that the project will not have a significant effect on any European site in light of their conservation objectives.

I confirm to the Commission that I have reviewed the NPWS website, the Conservation Objectives documents for the European sites, applicable Statutory Instruments, and find the entries in Table 1 of the AASR to be accurate and can be relied upon. As there are no viable pathways connecting the site to any inland European site, I consider that the likelihood of any significant effect of the project on same can be reasonably excluded at this preliminary examination stage.

Of the coastal European sites, I note the nature of the project (a medium scaled residential development designed in compliance with GDSDS requirements), the nature of the pathway (surface water (if not infiltrated to ground onsite) is treated, discharged (by restricted flow) along existing surface water drains to the sea (undergoing further dispersion), the QIs and SCIs (e.g. habitats of reefs, salt meadows, ferns, and wetlands, and species of water and wintering birds), the notable distances involved (varying between closest of Rockabill to Dalkey Island SAC at c.5.5km to furthest of the Murrough SPA at c.7.5km).

Due to these factors, I consider that the likelihood of any significant effect of the project on all but the closest European site, Bray Head SAC (site code 000714), can be reasonably excluded at this preliminary examination stage.

Effect Mechanisms

There are no protected habitats or species identified at the site and therefore the likelihood of any significant effect of the project on any European site due to loss of habitat and/ or disturbance of species can be reasonably excluded. There are no European sites in the zone of influence with groundwater-dependent QIs/ SCIs and therefore the likelihood of any significant effect of the project on groundwater due to pollution or spillage can be reasonably excluded. There is no hydrological connection between the project and any European site arising from wastewater.

A potential indirect hydrological connection has been established between the project and the coastal European sites via surface water drainage to the existing public surface water system and discharge to the Irish Sea. Having regard to the characteristics of the project in terms of the site’s features and location, and the project’s scale of works, I consider the following impacts and effect mechanisms require examination for implications for a likely significant effect on one European site, Bray Head SAC (site code 000714):

A) Surface water pollution during construction phase.

B) Surface water pollution during operation phase.

Step 3. European Site at risk

Table 1 European Site at risk from impacts of the proposed project

Effect mechanism	Impact pathway/ Zone of influence	European Site(s)	Qualifying/ Conservation interest features at risk
<p>A) Surface water pollution during construction phase.</p> <p>B) Surface water pollution during operation phase.</p>	<p>Impact via a potential hydrological pathway.</p>	<p>Bray Head SAC (site code 000714)</p> <p>Bray Head SAC is situated in north-east Co. Wicklow between the coastal towns of Bray and Greystones. Bray Head consists of a plateau of high ground, with five prominent quartzite knolls reaching a maximum height of 241m....Bray Head SAC</p>	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>

		<p>is selected for two Qualifying Interests, vegetated sea cliffs and European dry heath...</p> <p>Sea cliffs can be broadly divided into two categories: hard (or rocky) cliffs and soft (or sedimentary) cliffs, both of which are covered by the Annex I habitat 'vegetated sea cliffs of the Atlantic and Baltic coasts'. Hard cliffs are composed of rocks such as limestone, sandstone, granite, or quartzite, which are hard and relatively resistant to erosion...Vegetation of hard sea cliffs in exposed situations exhibits a strong maritime influence and is relatively stable. A sea cliff is defined as...a steep or vertical slope located on the coast, the base of which is in either the intertidal (littoral) or subtidal (sublittoral) zone... The cliff may be composed of hard rock...and hard cliffs are at least 5m high...Sea cliffs may support a range of plant communities such as grassland, heath, scrub and bare rock</p>	
--	--	---	--

		<p>communities, among others. At Bray Head SAC, the lower cliffs are fairly steep in places but the upper cliffs are less steep, and often support heath or dry grassland vegetation. In parts the cliffs are up to 60m in height.... At Bray Head SAC, tall, rocky sea cliffs, approximately 2km in length, form most of the seaward boundary of the SAC with lower, steep clay cliffs extending for a further 1km to the south.</p> <p>(extracts from Bray Head SAC, Site Synopsis NPWS)</p>	
--	--	--	--

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the Conservation Objectives 'alone'

European Site and qualifying feature	Conservation objective	Could the conservation objectives be undermined (Y/N)?			
		Effect A	Effect B	Effect C	Effect D
Bray Head SAC					
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	<i>To maintain the favourable conservation condition of...</i>	N	N		
European dry heaths [4030]	<i>To restore the favourable conservation condition of...</i>	N	N		

Effect Mechanism A (surface water pollution during construction phase)

During the construction of the project, development works will be managed and implemented under the CEMP, which will include pollution prevention and surface water control measures.

Effect Mechanism B (surface water pollution during operation phase)

For the operational phase (i.e. occupation), the project incorporates stages to manage surface water run-off onsite (with levels of treatment) in the first instance, prior to discharge to the public surface water system.

The buildings and landscaped podiums have been designed as green or blue roofs, which will retain and attenuate rainfall. Outflow from these areas will be discharged at controlled rates to a local authority storm drain on Strand Road, which subsequently discharges to coastal waters.

Wastewater arising from the project will be collected, discharged to the existing wastewater sewer and treated at Shanganagh WWTP, at which there is confirmed capacity to cater for the project, and discharged to necessary standards to the Irish Sea.

Due to the absence of a direct pathway between the project and Bray Head SAC (a relatively weak indirect hydrological connection), the low risk of harmful levels of build-up of silt or other polluting material (conventional construction methods and materials to be used), the low risk of major chemical or other toxic spillages due to the nature of the project (a mid-scaled residential scheme), the separation distances between the project and the SAC (proximity measurement of c.250m), and the associated dissipating effects of surface water dilution and subsequent seawater dispersal, I consider the potential for surface water pollution during either the construction phase or operation phase of the project to be negligible.

I conclude that the proposed development (alone) would not result in likely significant effects on the qualifying interests of Bray Head SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Objective information presented in the Appropriate Assessment Screening Report.

- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- Qualifying interests, special conservation interests, and conservation objectives of the European sites.
- Distances from European sites.
- Absence of any meaningful pathways to any European site.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.