

Normal Planning Appeal

New Case Form

Page 1 of 2

Case Number
PL-500165-WW

Case Priority
Normal

Case Lodged On
24/10/2025

Case EO
Catherine Flynn

PA Reg. Reference
2560207

Case Details

Planning Authority
Wicklow County Council

PA Reg. Reference
2560207

Summary Description
Mixed use development, comprising of residential units and commercial spaces and all associated ancillary site works.

Site Location
Site largely within the Former Bray Golf Course Lands, Off Ravenswell Road and Dublin Road, Bray

Planning Authority Notification Details

Notified On
29 October 2025

Notified By
Catherine Flynn

PA Contact
Planning Department

By Email
☒

By Phone
☐

Comments
—

Correspondence Details

Correspondence Type
1st Party Appeal

Received From
Shankill Property Investments Limited

Lodged On
24/10/2025

Validity
Valid

Valid OH Req
No

Issue
BP01M —

Participant
Shankill Property Investments Limited

Representative
RPS Planning & Environment

Response Date
Applicable
☒

Number of Days
Allowed
28

Keep Copy of Letter
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Comments
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Issue
Digital BP07 —
English

Participant
Wicklow County Council

Representative
—

Response Date
Applicable
☒

Number of Days
Allowed
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Comments
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Comments
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Normal Planning Appeal

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Page 2 of 2

Case Number
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Case EO
Catherine Flynn

PA Reg. Reference
2560207

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Signatures

Signed

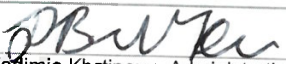


Catherine Flynn, Executive Officer

Date

29/10/2025

Signed



Fadimie Khatipova, Administrative Assistant

Date

30/10/25

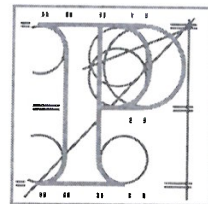


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Correspondence Coversheet

Payment ID: **FEE-PAY-000217**



An
Coimisiún
Pleanála

Section:	Processing
PA Name:	Wicklow County Council 2560267

Submission Reference:	—
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Date:	29/10/2025 24/10/25
Name:	Shankhill Property Investments Limited
Total:	€3,000.00

Attachments/Comment:	—
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Created By:	Seán Young
Channel:	Courier

1st ✓

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DD: 30/9/25
LD: 28/10/25

(165444)

**Called
P.A. - not call**

**(EIR)
1+2
N/S**

Our Ref.: IE000997

West Pier Business Campus,
Dun Laoghaire, Co. Dublin,
A96 N6T7
Tel +353 (0)1 488 2900

Date: 24th October 2025

An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

First Party Appeal against Conditions 2, 5(i) and (ii), and 6 as set out by Wicklow County Council in Reg. Ref. 25/60207

Dear Sir/Madam,

RPS, West Pier Business Campus, Dún Laoghaire, County Dublin, A96 N6T7, are instructed by the Applicant, Shankill Property Investments Limited, One Royal Canal House, Royal Canal Park, Dublin 15, D15 DKW4, to submit this First Party Appeal to An Coimisiún Pleanála (ACP) on their behalf against Conditions 2 5(i) and (ii) and 6 attached to the decision to grant permission issued by Wicklow County Council for **Reg. Ref. 25/60207**.

The decision to grant permission relates to a proposed mixed-use development comprising 297 no. residential units, commercial spaces, retail spaces and associated supporting development infrastructure at the former Bray Golf Course Lands, off Ravenswell Road and Dublin Road, Bray, County Wicklow.

The grounds of this Appeal are set out in the attached First Party Appeal report, and a Schedule of Enclosures is included with this Cover Letter.

The appropriate fee of €3,000 has been paid.

We trust that the above information is in order and look forward to receipt of an acknowledgement at your earliest convenience and, subsequently, to an early and favourable response from ACP in respect to the First Party Appeal submitted hereby.

Yours faithfully,
for RPS,



Michael Higgins
Associate Planner
+353 (0)91 400 200
michael.higgins1@rps.tetrattech.com

fee-pay-000217

AN COIMISIÚN PLEANÁLA	
LDG-	122-04-000182
ACP-	LDG-08-3694
24 OCT 2025	
Fee: € 3000	Type: C4
Time: 1:45	By: Carl

Schedule of Enclosures

1. Cover Letter, including this Schedule of Enclosures;
2. Payment (Cheque);
3. *First Party Appeal on behalf of Shankill Property Investments Limited* report prepared by RPS, including the following Appendix;
 - Appendix A: *Sea Gardens, Phase 2: Appeal Design Statement* prepared by Howells

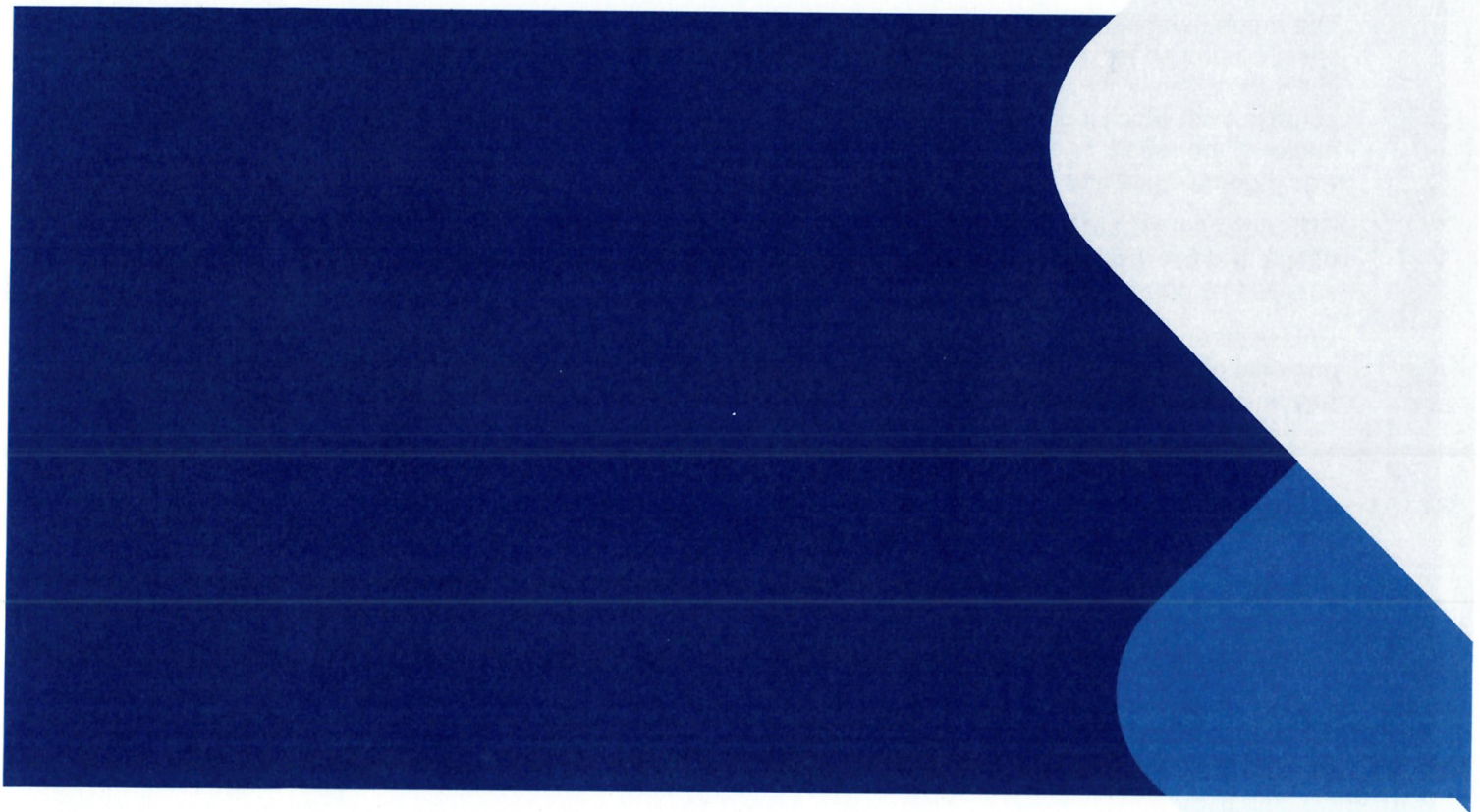
Table 1: Schedule of Architecture Drawings (Howells)

Drawing Number	Drawing Name	Scale	Size
BRAHWS-02-ZZ-L-A-05100	Schedule of Areas - Submitted Block E	n/a	A1
BRAHWS-02-ZZ-L-A-05101	Schedule of Areas - Alternative Block E	n/a	A1
BRAHWS-02-XX-D-A-10303	Cortiguous Elevation HH	1:250	A1
BRAHWS-02-XX-D-A-10305	Cortiguous Elevation JJ	1:250	A1
BRAHWS-BE-04-D-A-20104	Block E L04-L07 Fourth to Seventh Floor Plan	1:200	A1
BRAHWS-BE-08-D-A-20108	Block E L08 Eighth Floor Plan	1:200	A1
BRAHWS-BE-09-D-A-20109	Block E L09 Ninth Floor	1:200	A1
BRAHWS-BE-10-D-A-20110	Block E L10 Tenth Floor Plan	1:200	A1
BRAHWS-BE-11-D-A-20111	Block E L11 Eleventh Floor Plan	1:200	A1
BRAHWS-BE-R01-D-A-20112	Block E R01 Roof Plan	1:200	A1
BRAHWS-BE-XX-D-A-20200	Block E South-West Elevation	1:200	A1
BRAHWS-BE-XX-D-A-20201	Block E West Elevation	1:200	A1
BRAHWS-BE-XX-D-A-20202	Block E North-East Elevation	1:200	A1

BRA-HWS-BE-XX-D-A-20203	Block E East Elevation	1:200	A1
BRA-HWS-BE-XX-D-A-20300	Block E Sections – Sheet 1 of 4	1:200	A1
BRA-HWS-BE-XX-D-A-20301	Block E Sections – Sheet 2 of 4	1:200	A1
BRA-HWS-BE-XX-D-A-20302	Block E Sections – Sheet 3 of 4	1:200	A1
BRA-HWS-BE-XX-D-A-20303	Block E Sections – Sheet 4 of 4	1:200	A1

First Party Appeal on behalf of Shankill Property Investments Limited

Sea Gardens Phase 2 (WCC Ref. Ref. 25/60207)



IE000997
First Party Appeal
F01
23 October 2025

AN COIMISIÚN PLEANÁLA

24 OCT 2025

INTROD. *ADD*

DG- *PL-500165-ww*

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
F01	Final	MH	HG	HG	22/10/2025

Approval for issue

HG

22/10/2025

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Prepared by:

RPS

Prepared for:

Shankill Property Investments Limited

Dublin Cork | Galway Sligo | Kilkenny
rpsgroup.com

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RPS Civil & Structural Engineers Limited (registered in Ireland No. 161581)
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First Party Appeal

1 Introduction

RPS, West Pier Business Campus, Dún Laoghaire, County Dublin, A96 N6T7, is instructed by Shankill Property Investments Limited, One Royal Canal House, Royal Canal Park, Dublin 15, D15 DKW4 (the "Applicant") to submit this First Party Appeal (hereafter, this Appeal) to An Coimisiún Pleanála (ACP / the Commission) on their behalf against conditions 2 5(i) and (ii) and 6 attached to the decision to grant permission issued by Wicklow County Council (WCC) on 30 September 2025 (Reg. Ref. 25/60207). The grounds of this Appeal are set out in **Sections 3, 5 and 6** of this document.

1.1 Background

This Appeal relates to conditions attached to a decision to grant planning permission issued by WCC under **Reg. Ref. 25/60207** for a mixed-use development comprising 297¹ no. residential units, commercial spaces (total gross floor area c. 10,778 sq.m), retail/retail services spaces (total gross floor area c. 8,155 sq.m), car and bicycle parking for residents and visitors, open spaces and associated supporting development infrastructure at the former Bray Golf Course Lands, off Ravenswell Road and Dublin Road, Bray, County Wicklow.

1.2 Conditions Attached to Decision to Grant Permission Subject to Appeal

1.2.1 Condition 2

This Appeal sets out the reasons why Condition 2 and Condition 5 parts (i) and (ii) are not appropriate, do not accord with sustainable planning or relevant planning policy and should therefore be removed from the schedule of conditions.

Condition 2 states:

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

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

The *Planning Report* – and associated documents submitted to WCC with the original application provided a comprehensive appraisal demonstrating how the design of Sea Gardens Phase 2, aligns with the *Bray Municipal District Local Area Plan 2018–2024* (Bray LAP) the Wicklow County Development Plan 2022-2028, regional and national planning policy.

The rationale justifying the proposed development was further reinforced in the response to the Request for Further Information (RFI) issued by WCC during the assessment of the proposed development.

This response, which included an *Architectural Heritage Impact Assessment* (AHIA) authored by Bill Hastings of ARC Heritage Consultants Limited, a revised *Landscape and Visual Impact Assessment* (LVIA) prepared by Modelworks and the *Sea Gardens, Phase 2: FI 7 Response* report prepared by Howells Architects, identifies and discusses the relevant planning policy context and established

¹ Condition number 2 requires the omission of floors 4, 5, 6, 7, 11, and 12 of Block E. This effectively reduces the total number of units within Phase 2 from 341 to 297, representing a net reduction of 44 units. However, we note that the decision document refers to 293 units instead (i.e., net reduction of 48 units), which appears to be a clerical error.

planning precedents for the proposed building heights in Sea Gardens Phase 2 generally and Block E in particular.

Collectively, the findings demonstrate a supportive policy framework for increased building heights generally, and specifically for sites such as Sea Gardens Phase 2. This supports the appropriateness of locating a tall building at this location, which fulfils the delivery of national, regional, and local policy objectives relating to compact growth, higher densities, sequential development, and phasing within Bray.

The Howells' response offered a comprehensive justification of the design and masterplan-led rationale underpinning the scale, height, and massing of Block E, contextualised within the broader Sea Gardens Masterplan and the surrounding environment. It also includes further elaboration on the landscape and visual impact assessment (LVIA) undertaken concerning Block E and its proposed height.

The AHIA Report provided a detailed assessment of heritage considerations, addressing the potential impacts of the proposed building height on Bray's centre and its architectural heritage.

Collectively, these documents which are before the Commission demonstrate the appropriateness of Block E's scale, height, and massing in integrating with the receiving environment, aligning with the relevant planning policy context, and reflecting height trends established by planning precedents in the area.

This Appeal sets out in **Section 3** the grounds for ACP omitting Condition 2 from the decision to grant permission, which are:

- The proposed height of Building E is appropriate in design, architectural and visual terms with reference to the enclosed *Sea Gardens, Phase 2: Appeal Design Statement* prepared by Howells contained in **Appendix A** and the AHIA Report prepared by ARC Heritage Consultants Limited submitted as part of the RFI response;
- The accordance of Block E with all relevant planning policy and the central tenets of sustainable planning and development;
- Relevant planning precedents establishing the acceptability of increased heights within the former Bray Golf Course lands.
- The proposed apartments on floors 10 – 15 benefit from a high level of residential amenity and do not negatively impact on the residential amenity of adjacent existing or planned residents; and
- The importance of delivering all 341 no. proposed residential units at a time of severely constrained housing supply relative to demand.

1.2.2 Condition 5(i) and 5(ii)

Condition 5(i) and 5(ii) state:

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

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

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

This condition is unclear and imprecise. It appears to be a classic Grampian Condition requiring certain works to be carried out on third party lands over which the applicant has no control.

First Party Appeal

In the first place we believe that such works, while 'nice to have', are not necessary before development commences. The subject site is located within Bray town and within walking / cycling distance of all the facilities and services within the town centre, including Bray Train Station.

There are existing dedicated pedestrian and cycle linkages between the subject site and the town centre and the proposed development is not reliant upon the future delivery of additional linkages to provide adequately for the proposed development.

Secondly, as set out in the Office of the Planning Regulator published *Practice Notes on Planning Conditions*, conditions requiring development to be carried out on lands outside the control of the applicant prior to the commencement or occupation of development are problematic as they cannot be complied with by the developer and so are not enforceable. The Office of the Planning Regulator makes clear that such conditions should only be imposed in very particular circumstances, which do not pertain in this case.

This Appeal sets out in **Section 5** in greater detail why ACP should omit Condition 5(i) and (ii) from the decision to grant permission.

1.2.3 Condition 6

Condition 6 states:

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

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme for the area in which the site is located and Section 48(1) of the Planning and Development Act 2000.

Where the contribution remains unpaid the monies payable shall be updated in accordance with the Wholesale Price Index as published by the Central Statistics Office on the 1st January of each year following the date of the Final Grant.

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

As part of the development of the former Golf Course lands the applicant is delivering significant infrastructure which benefits the people of Bray more generally. The proposed Southern Access Road provides an important link for pedestrians, cyclists and motorists between the Dublin Road and the waterfront and the planned Luas Stop. The delivery of the roadway is directly supported by the Bray LAP (Transport Objectives Map No. TO1) and forms part of the Golf Club Lands Transport Infrastructure as listed in Appendix 1 of the WCC Development Contribution Scheme. As such it is considered that cost of the provision of this roadway, borne by the applicant, should be offset against the subject conditioned development contribution. The grounds for this cost being offset is detailed further in **Section 6** below.

1.3 Structure of First Party Appeal

This response is structured under the following sections:

- **Introduction:** Sets out the purpose of the document and the context of this Appeal to ACP;
- **Section 2:** Provides a brief description of the proposed development and outlines the planning decision of WCC, with particular reference to the items subject to this planning appeal;

- **Section 3:** Sets out the grounds of the appeal with regard to Condition 2;
- **Section 4:** A revised Block E option reduced to a maximum height of 12 Storeys;
- **Section 5:** Sets out the grounds of the appeal with regard to Condition 5(i) and (ii);
- **Section 6:** Sets out the grounds of the appeal with regard to Condition 6 and;
- **Section 7:** Provides a brief summary of the items addressed in the Appeal.

2 Proposed Development and Planning Decision

2.1 Proposed Development

The proposed development, the subject of this appeal, is Phase 2 of the developments of Sea Gardens on the former Bray Golf Club lands immediately to the north of Bray Town Centre. Phase 1, granted under SHD ref no. ABP-314686-22, is now nearing completion. Phase 3 will be the final phase.

When completed Sea Gardens will form a modern urban extension of Bray Town centre complementing the 19th century historic core and underpinning the economic and social viability of the town.

In accordance with SPO 3 of the *Bray Municipal District LAP 2018-2024*, the completed development will consist of over 1,000 dwellings, a 2 ha public park, schools, retail and commercial space necessary to serve the wider Bray community.

Ballymore, the developer, has extensive experience in delivering such high-quality, high-density mixed use urban interventions and chose to partner with Howells Architects in delivering an exciting and innovative urban quarter for Bray. Ballymore and Howells have previously collaborated in the design and delivery of the London City Island and Royal Wharf multi-award winning schemes in London.

The challenge of achieving the delivery of an exciting urban quarter in Bray of comparable quality was compounded by the objective CPO 6.2 of the Wicklow County Development Plan. This objective states;

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

This Objective effectively prohibits the development of apartments for rental anywhere in the county, including Bray.

Ballymore's response to this onerous requirement was to configure a scheme which delivers the bulk of housing units as own-door family housing in the form of houses and duplex units, with apartments designed to appeal to owner occupiers. To be commercially viable, these apartments are significantly larger than the minimum sizes stipulated in the 2018 *Design Standards for New Apartments* and are located to take maximum advantage of sea and coastal views.

In short, the proposed scheme is a carefully considered response to the particular challenges and opportunities of the site, drawn up by an experienced developer and design team with a strong track record in delivering high quality and memorable urban residential developments.

The subject development will further the sequential development of Bray and will consist of a mixed-use development (residential, retail and commercial uses) comprising 341 no. residential units (94 houses, 106 duplex units, and 141 apartments located in Blocks E and H), a public house in Block E, a childcare facility and medical centre in Block H, a hotel (including a rooftop restaurant, wellbeing centre and wedding/function venue) in Block I, and retail/retail services distributed in Blocks E, G, H and I.

Overall, the proposed development comprises c. 10,778 sq.m of commercial spaces (inclusive of creche) a 2 ha public park, and c. 8,155 sq.m of retail/retail services.

The proposed development will also provide open spaces (private, communal and public), car and bicycle parking for residents and visitors, and an internal road network for vehicles, cyclists, and pedestrians with linkages to existing vehicular, cycling, and pedestrian networks, internal storage spaces for all residential units and refuse storage areas.

First Party Appeal

All associated development infrastructure will also be provided, including ancillary plant, substation kiosks and substation/switch rooms, public lighting, drainage arrangements, utility connections and solar photovoltaic panels, and hard and soft landscaping.

2.1.1 Block E

With regard to the subject appeal Block E is of particular significance. Block E, which ranges in height from 3 to 15 storeys, is situated in the eastern part of the site at the intersection of the River Dargle and the Irish Sea. Designed to be a marker building, Block E anchors the development and enhances its visibility from various locations throughout the town and along the coastline. This building is intended to mediate between the existing Bray Harbour and the new Market Square which will be the commercial and social focal point of Sea Gardens. In urban design terms, it is the nodal point around which the rest of the scheme pivots.

The building is predominantly residential, comprising 109 residential units (1, 2, 3, and 4 bedrooms). The Block also includes other uses, including a public house and retail units on the ground and mezzanine floors. Most of these units are positioned on the northern elevation, with their frontage oriented towards the permitted Market Square (i.e., Sea Gardens Phase 1).

Block E provides various amenities and facilities for residents, including a multipurpose room, co-working space, cinema room, gym, and lobby with a lounge area and post room. These facilities are on the ground and mezzanine floors, facing the proposed Central Park. Additionally, Block E includes a communal open space comprising communal gardens at the podium level.

2.1.2 Transport Provisions

The proposed development benefits from being located within Bray town and within walking / cycling distance of all of the services and facilities within the town centre. The location is also exceptionally well served by existing rail and bus public transport.

Within the proposed development sustainable transport modes are prioritised through a hierarchy of paths and streets, designed in accordance with the *Design Manual for Urban Roads and Streets* (DMURS) and *Cycle Design Manual* (CDM), as shown in **Figure 2.1**.

Strategic corridors link the site to Bray Town Centre and the DART station. These connections enhance accessibility to public transport, local schools, and nearby committed developments, supporting sustainable and convenient travel for future residents and visitors.

The proposed development includes the closure of the existing vehicular access from Ravenswell Road adjoining Fran O'Toole Bridge. This will reduce traffic movements at this junction and will be of particular benefit to cyclists / pedestrians.

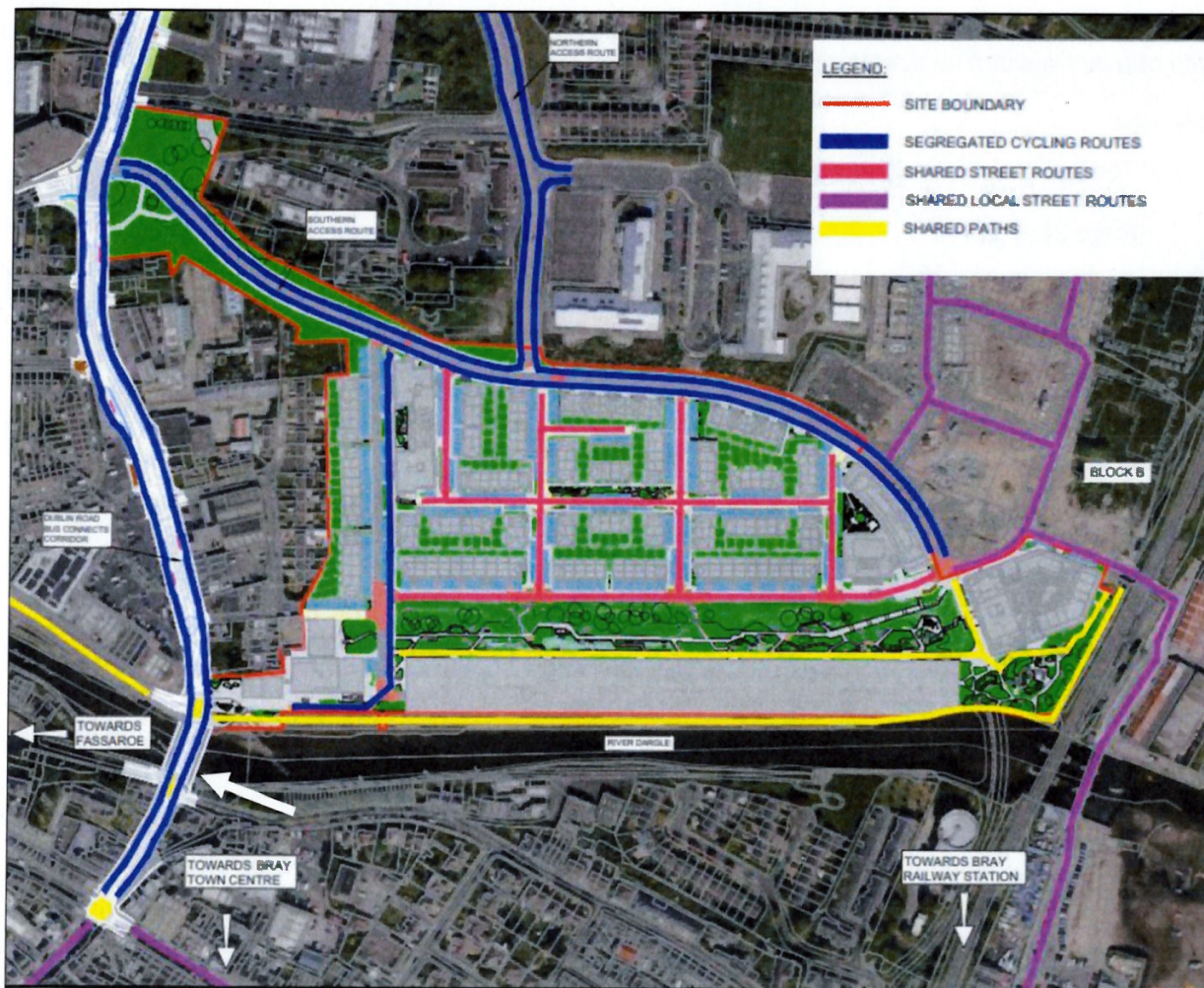


Figure 2-1: Sea Gardens Phase 2 Pedestrian and Cycle Links to Bray Town Centre

Source: Sea Gardens Phase 2 Pedestrian and Cycle Links to Bray Town Centre, Phase 2 RFI Response (Atkins Realis) with RPS Annotation

Future enhancements to the transport network, such as an upgrade of the Fran O'Toole Bridge with enhanced pedestrian and cycle infrastructure, or the delivery of a public transport bridge would naturally enhance further linkages between Sea Gardens and the town centre. However, accessibility and movement between Bray town centre and the subject site is fully provided for with the existing linkages.

2.2 WCC Planning Consideration and Decision

2.2.1 WCC Planner's Report

The WCC *Planner's Report* (13th May 2025) notes that the proposed development accords with local, regional and national planning policy stating:

"The proposed Mixed Use development as identified in this application would therefore accord with the provisions of the Local Area Plan, and the wider Regional and National Planning context, and therefore in principle the proposed development is acceptable."
(Page 28)

Residential amenity was raised only very briefly in the WCC *Planner's Report*. It was noted that the proposal will not give rise to any significant negative impacts on the existing residential properties in

First Party Appeal

O'Dwyer Park. Throughout the WCC *Planner's Report* the compliance of the proposed development with relevant residential standards is noted:

Density:

"The proposed density accords with the Wicklow County Development Plan and The Sustainable Residential Development and Compact Settlements Guidelines"
(Page 28 & 29)

Public Open Space

"The central park area and the existing riverine walks providing high quality public open space to service the future and existing residents of the overall development/ area"
(Page 30)

Private Open Space

"The Private Open Space for all house and duplex units are in accordance with the standards set out in both the Sustainable Residential Development and Compact Settlements and the Apartment Guidelines"
(Page 31)

"The private open space for all apartments meets the Apartment Guidelines"
(Page 33)

Communal Open Space

"The overall provision would accord with the Apartment Guidelines"
(Page 33)

With regard to communal open space in Block E it is noted in the Planner's Report that there is some shortfall in sunlight. However:

"given the high quality of design of this amenity space, and the significant Public Open Space within the overall development, and the proximity to the Harbour Area and Bray Promenade, this shortfall is acceptable in this instance"
(Page 33)

The *Planner's Report* of 13th May 2025 concluded further information was required with respect to how all the elements tie into existing/ proposed pedestrian/ cycle infrastructure (RFI Item 1) and a justification of the height and visual impact of Building E (RFI Item 7).

Residential amenity issues for future residents of Block E or the impact of Block on the residential amenity of others was not raised in the RFI.

2.22 WCC Request for Further Information

A RFI was issued by WCC on the 14th May 2025 and on the 8th August 2025 a response to the RFI was submitted to WCC.

2.2.2.1 RFI Item 1

RFI item 1 queried the progressing of the proposed development in the absence of particular external transport infrastructure including, *"pedestrian and cycle links from the Golf Club to Bray Town Centre"*.

A detailed response to Item 1 was submitted to WCC. This included the Atkins Realis document *Phase 2 RFI Response*, which addresses how the proposed development aligns with the principles and proposals of the *Bray and Environs Transport Plan 2019*.

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The response sets out how the proposed development is served by existing dedicated pedestrian and cycle infrastructure and delivers and accommodates the objectives of the *Bray and Environs Transport Plan 2019*.

The WCC Roads Department of WCC noted:

"The pedestrian and cycle links necessary for the Golf Club lands will be significantly enhances [sic] by the provision of these new bridges. Ideally the delivery of this infrastructure would be linked to the phasing of the development of the Bray golf club lands development."

(Page 1)

The WCC *Planner's Report* (23rd September 2025) simply notes with regard to the RFI response to Item 1 that it should be conditioned that the proposed development not be occupied until the "delivery of safe pedestrian / cycle links to Bray town centre / DART," and that "a condition linking the delivery of pedestrian and cycle infrastructure (Pedestrian and cycle bridges at Fran O Toole) and phasing of the build out of the development be included in any grant of permission."

Condition 5(i) and (ii) attached to the decision to grant permission is more onerous than would seem to be required to meet the needs of the Roads Department of WCC or the WCC *Planner's Report* would seem to be suggesting.

2.2.2.2 RFI Item 7

The RFI item 7, pertaining to the height of Block E and the visual impacts of same, references the proposed Block E jarring with existing and permitted development and overwhelming "the views both within and outside of Bray". There is no specific reference in the RFI item to residential amenity.

Following receipt of the RFI response including *Sea Gardens Phase 2 – FI 7 Response* co-ordinated by Howells with input from ModelWorks and an AHIA prepared by ARC Architectural Consultants another *Planner's Report* was prepared by WCC.

The *Planner's Report* (23rd September 2025) states:

"The visual impact of Block E will be significant, and will it is considered detract from the visual amenities of Bray. Stating that the viewer at Bray Seafront has many more visual stimulants such that the development will be 'imperceptible' to 'moderate', I would not concur with. In addition whilst the view from Fiddlers Bridge is not sterilised, the impact of Block E on this view would be excessive."

The narrative that having this tower design is the sole way to achieve higher densities on the overall site does not it is considered stack up, and there are other design approaches which could have been utilised to achieve same. Block E will protrude in the skyline not only within Bray itself but in wider views. It will be a dominant feature in views from Bray Seafront and from the listed view to the south. The alteration of the built environment by the development in Sea Gardens does not it is considered require an element that will dominate Bray itself. It is therefore considered that Block E should be reduced to mirror the scale of that already permitted, and the proposed hotel. Therefore it is proposed to omit floors 4,5, 6,7, 11 and 12."

(Page 15)

WCC Decision to Grant Permission

On the 30th September 2025, WCC issued a decision to grant permission (**Reg. Ref. 25/60207**) with 30 no. conditions attached. The grounds of this Appeal, pertaining to Condition 2 and Condition 5(i) and 5(ii) only, are set out in **Sections 3** and **4** of this document.

Conditions no. 2 and 5(i) and (ii) attached to the grant of permission state respectively:

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Condition No. 2

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

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

Condition No. 5(i) and (ii)

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

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

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

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3.1 Introduction

The proposed development, including Block E forms part of the Sea Gardens Masterplan and has been carefully designed to maximise views toward Bray Head and the Irish Sea, incorporate existing natural features, and define key focal points such as the Market Square and the Western Gateway. Higher-density residential blocks are positioned along the seafront, celebrating waterfront living and creating a strong urban edge, while lower-rise houses and duplexes (2–3 storeys) are set further inland. This approach ensures a gradual transition in scale and allows the development to integrate with the established character of Bray.

The building height has been carefully considered; Block E's scale and massing result from a rigorous, masterplan-led design process that carefully considers the site's strategic location within the former Bray Golf Course lands, the evolving urban fabric, and the relationship with existing and consented development and in accordance with national and local planning policy.

As set out in **Section 3.2** of this document, the proposed building height accords fully with planning policy.

Section 3.3 provides an overview of relevant planning precedents that establish the acceptability of increased building heights adjacent to the town centre within the former Bray Golf Course lands.

In **Section 3.4** it is demonstrated that design and masterplan-led rationale underpin the proposed height, scale, and massing of Block E. The very negative architectural consequences of reducing Block E to 9 storeys are set out.

In **Section 3.5** the visual quality and amenity of Block E is considered.

The high quality of the residences proposed and the residential amenity of those that will live here is considered in **Section 3.6**. In addition, the negligible impact the proposed development of Block E will have on proximate residential amenity is set out.

Finally, in **Section 3.7** the actual impact of the condition in preventing the construction of 44 no. residential units, at a time when policy at all levels supports increasing housing supply is considered.

For all of these reasons, fully set out below we request that ACP omit Condition 2 from the decision to grant permission for the proposed development.

Condition No. 2

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

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

3.2 Supporting Planning Policy for Proposed Building Height

This section provides a comprehensive overview of the national, regional, and local planning policy framework relevant to Sea Gardens Phase 2 and in particular to the proposed height of Block E. It highlights the clear policy support for increased building heights and higher densities in suitable urban locations—particularly those well served by public transport and identified for regeneration, such as the former Bray Golf Course lands, where Sea Gardens Phase 2 is located.

It is essential to note that the planning policy framework has not shifted towards restricting building heights since the previous proposals were granted on the site (refer to **Section 3.3** for details of the

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planning history for the former Bray Golf Course lands). Instead, national policy has increasingly emphasised the need for greater heights and densities on well-serviced, strategic lands within the existing built-up footprints of towns, including the former Bray Golf Course lands. This continuity and strengthening of the policy framework in favour of increased building heights reinforces the appropriateness of the proposed height of Block E.

The policy review demonstrates that the proposed height of Block E aligns with and supports key objectives relating to compact growth, sustainable urban consolidation, and sequential development within Bray. It also confirms that the policy context remains supportive and favourable of increased building heights at appropriate locations.

32.1 First Revision National Planning Framework 20 25

The **First Revision of the National Planning Framework 2025** (the NPF 2025) provides direct policy support for increased building heights and higher densities, particularly where they contribute to compact, sustainable, transit-oriented growth and urban consolidation.

"Making better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport." (NPF 2025, Page 16) (RPS Emphasis)

"From an urban development perspective, we will need to deliver a greater proportion of residential development within the existing built-up areas of our cities, towns and villages and ensure that, when it comes to choosing a home, there are viable attractive alternatives available to people." (NPF 2025, Page 21) (RPS Emphasis)

"Combined with a focus on infill development, integrated transport and promoting regeneration and revitalisation of urban areas, pursuing a compact growth policy at national, regional and local level will secure a more sustainable future for our settlements and for our communities." (NPF 2025, Page 21) (RPS Emphasis)

Key National Policy Objectives (NPO) include:

- **NPO 7:** Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements, ensuring compact and sequential patterns of growth.
- **NPO 9:** Deliver at least 30% of all new homes targeted in settlements outside the five cities and their suburbs within their existing built-up footprints, supporting compact and sequential growth.
- **NPO 10:** Deliver Transport Oriented Development (TOD) at scale in locations served by high-capacity public transport within or adjacent to built-up footprints of cities or metropolitan towns, thereby ensuring compact and sequential growth.
- **NPO 22:** In urban areas, planning standards, including building height and car parking, will be based on performance criteria aimed at achieving well-designed, high-quality outcomes to meet targeted growth. **Changes to the existing character of urban land use may be permitted as part of an overall area or masterplan or incrementally.** (RPS Emphasis)
- **NPO 45:** Increase residential density in settlements through measures such as reducing vacancy, re-using existing buildings, infill development, area-based regeneration, **increased building heights**, and more compact development forms.

The proposed development aligns with these policy objectives by delivering compact, sequential, and transport-led growth, alongside increased building heights and densities within a master planned urban area. In particular, NPOs 22 and 45 provide explicit support for increased heights in

appropriate urban contexts, subject to performance criteria, recognising taller buildings as a valid means to achieve higher densities and promote compact development.

In line with the above, it is essential that the height of Block E be assessed in light of this policy framework. Block E forms an integral part of the wider Sea Gardens Masterplan for the former Bray Golf Course lands, which is designed to deliver compact, mixed-use development in response to its strategic location within Bray's built-up footprint and its proximity to high-quality public transport infrastructure.

While the proposed height of Block E exceeds the existing scale of Bray, its assessment must consider the evolving receiving environment, which is being shaped by the Sea Gardens Masterplan, its strategic position, and the design-led rationale underpinning the proposal. This approach includes careful consideration of visual impact and the protection of residential amenity. As illustrated in the Sea Gardens Masterplan, Block E continues the established practice of increased building heights along the eastern edge of the site, where increased heights have been consented on this site as far back as 2006, within WCC Planning Ref 20/672 (relating to PL39.230246, 07/630194) and to the north within Sea Gardens Phase 1B Planning Ref ABP-314686-22. These precedents confirm the appropriateness of the proposed height at this location.

In summary, the NPF 2025 provides clear policy support for increased building heights as essential mechanisms to achieve national objectives for compact growth, housing delivery, and urban regeneration. Any reduction in the height of Block E risks undermining these objectives and compromising the sustainable redevelopment of this centrally located regeneration site, compact growth and the delivery of quality new homes in Bray.

3.2.2 Urban Development and Building Height Guidelines 2018

The **Urban Development and Building Height Guidelines 2018** (the Building Height Guidelines) provide unequivocal policy support for increased building heights, particularly in urban locations well served by public transport.

The Building Height Guidelines emphasise that increasing building height is a key component to optimising the use of urban land and supporting compact growth. Government policy, as set out in the Building Height Guidelines, requires that building heights should generally be increased in appropriate urban locations to meet housing and regeneration objectives.

Section 2.2 of the Building Height Guidelines states:

"Increasing building height is a key component in making the optimum use of urban land and in supporting compact growth, as required by the National Planning Framework."

Section 3.1 further establishes that:

"It is Government policy that building heights must be generally increased in appropriate urban locations."

Specific Planning Policy Requirement 1 (SPPR 1) is particularly relevant. It establishes a clear policy framework that supports taller buildings in urban areas with good public transportation accessibility, such as the Sea Gardens Phase 2 site. SPPR 1 recognises that increased height developments encourage sustainable travel, reduce car dependency, and optimise the use of existing infrastructure. It requires planning authorities to grant permission for increased building heights in locations that satisfy the criteria set out in the Building Height Guidelines, subject to proper assessment.

As demonstrated throughout the application documentation and recognised in the policy context, the former Bray Golf Course lands benefit from excellent existing and planned public transport infrastructure, including the DART rail service, the forthcoming LUAS Green Line extension, and Bus Connects enhancements. This makes the site highly suitable for compact growth, which,

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increased building heights and higher densities, such as those proposed for Block E, can effectively deliver.

SPPR 3 provides further guidance on how planning authorities should approach proposals for taller buildings, emphasising the need for careful consideration of design quality, visual impact, and compatibility with the surrounding environment. Thus, the Building Height Guidelines set out development management criteria for proposals involving increased building heights. These criteria require demonstrable, careful integration with the existing environment, including consideration of massing, scale, visual impact, overshadowing, and effects on local character and amenity. Proposals must also demonstrate how increased height contributes positively to urban legibility, sense of place, and the creation of high-quality public spaces.

In accordance with these requirements and criteria, the Architectural Design Statement (Howells) and the Planning Report (RPS, Section 7), submitted with the application, have already demonstrated compliance with the Building Height Guidelines. Furthermore, the accompanying Howells' response to Item 7 of the RFI provides a more detailed elaboration on the design and masterplan-led rationale for Block E's height, scale, and massing forming an effective lynchpin for the wider Sea Gardens Masterplan. This response highlights a sensitive approach to the local context while ensuring the protection of residential and visual amenity.

As noted in Howells' response document, the design approach avoids monolithic building forms and respects the site's topography and key views. The LVIA initially submitted with the application and further elaborated upon within Howells' response document to Item 7, confirms the appropriateness of the proposed height within this context, without resulting in adverse effects on visual amenity.

Finally, we note that the findings of the AHIA Report confirms that the high-quality design proposed will ensure no adverse or significant impacts on Bray's town centre and its architectural heritage.

In summary, the Building Height Guidelines provide a robust policy framework that supports increased building heights in strategic, accessible urban locations, such as the former Bray Golf Course lands, where Sea Gardens Phase 2 is situated. Block E's proposed height reflects a design and masterplan-led response that ensures integration with the surrounding environment and protection of existing amenity, and Bray's architectural heritage as demonstrated by the documentation supporting Item 7 of the RFI.

It is therefore considered that reducing such heights would be contrary to the clear intent of SPPR 1 and the broader objectives of the Building Height Guidelines, thereby compromising the compact and sustainable growth of Bray.

3.2.3 Eastern and Midland Regional Spatial and Economic Strategy 2019-2031

The **Eastern and Midland Regional Spatial and Economic Strategy 2019–2031** (the RSES) provides the statutory regional framework for implementing the NPF 2025 across the region, including the Dublin Metropolitan Area (DMA).

While the RSES does not include a standalone policy objective explicitly addressing increased building heights, it contains several Regional Policy Objectives (RPOs) that clearly support the use of increased building heights as a means to achieve compact growth, urban regeneration, efficient land use, and transit-oriented development.

Bray is identified within the RSES as a key Metropolitan Town within the DMA, recognised for its significant growth potential. The former Bray Golf Course lands, where Sea Gardens Phase 2 is located, are specifically referenced as a strategic development area suitable for higher densities and mixed-use regeneration.

Relevant RPOs supporting increased building heights and densification in Bray include:

- **RPO 4.37:** Supports the continued development and enhancement of Bray town centre and strategic sites such as the former golf course lands, promoting urban renewal and regeneration.
- **RPO 4.40:** Endorses investment in sustainable transport, including the proposed LUAS extension to Bray, thereby enabling transit-oriented development.
- **RPO 5.4:** Seeks to achieve higher residential densities and high-quality urban environments in strategic development areas.
- **RPO 5.5:** Emphasises a sequential and consolidated approach to residential development within the metropolitan area, focusing growth on towns like Bray.

Collectively, these RPOs promote sequential and compact growth, with a particular focus on strategic development areas such as the former Bray Golf Course lands. As outlined in **Sections 2.1 and 2.2**, national policy recognises the important role of increased building heights and higher densities at well-served locations in delivering compact and sustainable urban growth. Within this context, increased building heights—including those proposed for Block E—should be regarded as an appropriate and necessary means to achieve the objectives set out in the RSES for the former Bray Golf Course lands and Bray.

In summary, although the RSES does not explicitly mandate increased building heights, its key RPOs for Bray and the former Bray Golf Course lands provide clear and robust policy support for delivering taller buildings as a mechanism to ensure the sustainable and compact urban growth of Bray. The designation of Bray as a Metropolitan Key Town, the identification of the former Bray Golf Course lands as a strategic regeneration area, and the emphasis on higher densities and transit-oriented development together establish a strong regional policy context within which the proposed height of Block E is appropriate, and which WCC should have regard for when assessing Item 7 of the RFI.

Finally, we note that while the RSES provides a supportive framework, it requires updating to fully align with and deliver on the compact growth priorities set out in the NPF 2025. In particular, the updated RSES should explicitly reflect the emphasis of NPO 22, which allows for changes in urban character subject to masterplan-led approaches, and NPO 45, which supports the use of increased building heights as a means to achieve compact development.

3.2.4 Sustainable Compact Settlements Guidelines 2024

The **Sustainable Residential Development and Compact Settlements Guidelines 2024** (Compact Settlements Guidelines) reinforce national policy by promoting compact and sequential urban growth. They specifically support the intensification of existing urban areas, prioritising the reuse of brownfield and infill sites within established built-up footprints.

While the Guidelines do not explicitly mandate increased building heights as a standalone policy requirement, they collectively endorse a design-led, performance-based approach where increased densities are recognised as a necessary and appropriate to achieve compact urban growth in appropriate contexts.

The Compact Settlements Guidelines set out residential density ranges for metropolitan towns that are generally considered medium to high density. Specifically, densities of 50 to 150 dwellings per hectare (dph) are targeted within town centres and urban neighbourhoods, particularly those proximate to high-capacity public transport nodes, such as the location of Sea Gardens Masterplan. It can be reasonably expected that achieving these density levels typically requires introduction of taller buildings. In this regard, the Guidelines stresses that a design-led, performance-based approach is essential to successfully deliver the higher densities.

The *Architectural Design Statement* and Masterplan Document, prepared by Howells and submitted with the planning application, alongside Howells' response document to Item 7 of the RFI and the enclosed *Sea Gardens, Phase 2: Appeal Design Statement* prepared by Howells, supplement this

planning-focused document by providing a detailed rationale and justification for Block E's overall design, scale, and massing. These documents demonstrate how Block E's height and form have been carefully refined to respond to the local context, complement the wider Sea Gardens Masterplan, and protect existing amenity, while delivering the higher densities consistent with the objectives for metropolitan towns set in the Compact Settlement Guidelines.

In summary, the Compact Settlements Guidelines provide policy support for increased building heights, provided that proposals meet performance criteria and adhere to a design-led approach. The proposed height of Block E is consistent with this policy approach, as demonstrated by the application documentation, including the LVIA, the supplementary materials supporting the Applicant's response to Item 7 of the RFI and the enclosed *Sea Gardens, Phase 2: Appeal Design Statement* prepared by Howells.

3.2.5 Wicklow County Development Plan 2022-2028 and Bray Municipal District Local Area Plan 2018-2024

At the local level, the **Wicklow County Development Plan 2022–2028** (the WCDP) and the **Bray LAP** collectively provide the statutory planning framework for Bray. Together, they establish zoning, land use policies, and development objectives that guide the town's future growth and regeneration.

While the WCDP does not prescribe specific height limits for Bray, it sets a clear strategic direction that supports sustainable urban consolidation, efficient land use, and high-quality design—objectives that inherently align with higher-density development and, where appropriate, increased building heights. This approach reflects and reinforces the compact growth strategy set out at national and regional levels, particularly for metropolitan settlements such as Bray.

As per the RSES, Bray is designated as a Metropolitan Key Town within the WCDP. This is the top of the settlement hierarchy for the County. Furthermore, the WCDP identifies the former Bray Golf Course lands as a site of strategic significance and confirms these lands are intended for high-density, mixed-use development.

"Harness the potential of the former Bray golf course, Bray harbour and key town centre development sites to deliver compact growth, prioritising sustainable mobility, expand employment opportunities and strengthen the viability and vibrancy of the town centre. There will be a strong focus on addressing dereliction and underutilised sites and delivering placemaking that will strengthen the town's image and sense of place"
(Emphasis by RPS)

"Land at the former Bray Golf Course and at the Harbour are designated for high density mixed-use development"
(Emphasis by RPS)

A key provision addressing building height within the WCDP is **Core Policy Objective (CPO) 6.17**, which states:

"To facilitate the consideration of higher buildings where appropriate and where the criteria set out in the 'Urban Development and Building Height Guidelines for Planning Authorities' (DHPLG, 2018) are met."

This objective confirms a supportive local policy context for increased building heights in principle, provided that proposals satisfy the performance-based criteria established in the national guidelines, i.e., the Building Height Guidelines. The same approach and policy direction are reflected in the Bray LAP. In this regard, we refer to **Section 3.2.2** of this document, which discusses the Building Height Guidelines and how the proposed development accords with them.

The proposed development is located within lands subject to Specific Local Objective SLO3 of the Bray LAP, which seeks to deliver a high-density, mixed-use urban quarter incorporating residential, commercial, educational/community facilities, and open space. The LAP provides detailed

parameters for the development of these lands, which the Sea Gardens Masterplan—including Phase 2 and Block E—has been designed to comprehensively address.

Regarding SLO3, we refer the Commission to the *Architectural Design Statement* (Howells) and the *Planning Report* (RPS, Section 7), which were submitted with the application and already demonstrate compliance with SLO3. Moreover, Howells' response document to Item 7 of the RFI further demonstrates consideration of the guidance set out in SLO3 with respect to scale and height, and how the objective is met.

The information contained in the above-mentioned documentation demonstrates that the design and height of Block E accord with the intent of SLO3. The proposal forms part of a masterplan-led approach that ensures integration with the existing town centre, respects the traditional urban fabric, and delivers a well-considered transition in scale. The supporting LVIA and AHIA confirm that the proposed height is appropriate and does not cause undue visual or heritage harm. Furthermore, accepted precedents within the locality, such as Sea Gardens Phase 1B and the Pizzaro Masterplan (see **Section 3.3** of this document), alongside relevant planning policy presented in **Section 3.2**, reinforce the principle that increased building heights are both already permitted and justified within the SLO3 lands.

Together, these elements demonstrate that the proposed development aligns with both the vision and spirit of SLO3 for the redevelopment of the lands, including increasing building heights.

In summary, it is considered that the proposed height of Block E aligns with the intent and strategic direction of both the WCDP and the LAP. It reflects the site's strategic location, its mixed-use zoning, the vision of SLO3, and the overarching policy framework that seeks compact, well-designed, and sustainable regeneration of strategic lands in Bray.

3.2.6 Overall Conclusion on Planning Policy Context for Increased Building Height

Based on a detailed review of national, regional, and local planning frameworks, it is evident that a policy context exists for increased building heights in suitable urban locations, such as Sea Gardens Phase 2.

At the national level, the NPF 2025, the Building Height Guidelines and the Compact Settlement Guidelines explicitly promote greater building heights and higher densities as essential components to achieve compact, sustainable, and transit-oriented growth. These policies recognise taller buildings as effective tools for optimising urban land use and delivering housing targets within existing built-up areas.

Regionally, RSES endorses urban consolidation, regeneration, and increased densities in Bray, identifying the former Bray Golf Course lands as a strategic development area suitable for intensification. While the RSES does not explicitly mandate increased building heights, RPOs provide support for taller buildings as mechanisms to realise sustainable and compact urban growth.

At the local level, the WCDP and Bray LAP establish a policy basis that facilitates the consideration of increased building heights, contingent on compliance with national guidance, high-quality urban design, and positive integration with the surrounding context. The designation of Bray as a Metropolitan Key Town and the identification of the former Bray Golf Course lands as a strategic regeneration site further reinforce this supportive framework.

The proposed height of Block E represents a carefully considered, design- and masterplan-led response that aligns fully with this comprehensive policy context. It reflects the site's strategic location, zoning, and role within the wider Sea Gardens Masterplan. The design approach ensures sensitive integration with the existing environment, protection of residential and visual amenity, and respect for Bray's architectural heritage.

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A reduction in the proposed height of Block E as per Condition 2 would undermine the achievement of national, regional, and local policy objectives relating to compact growth, housing delivery, and sustainable urban regeneration within sites located within existing built-up footprints of towns or urban locations and serviced by high-quality public transport, like the former Bray Golf Course lands, where Sea Gardens Phase 2 is located.

Accordingly, based on the existing planning policy context, it is considered that the proposed building height is appropriate, justified, and necessary to realise the policy-led vision for the former Bray Golf Course lands and Bray as a whole and a reduction in height to 9 storeys is not supported by statutory planning policy.

3.3 Planning Precedents Supporting Increased Building Heights

This section provides an overview of relevant planning precedents that establish the acceptability of increased building heights adjacent to the town centre within the former Bray Golf Course lands. These precedents are critical to contextualising the proposed height of Block E within Sea Gardens Phase 2 and demonstrate consistent support from both the relevant local planning authority and ACP (formerly ABP) for taller buildings and higher densities in this strategic location over three development plan cycles.

It is noted that the *Planning Report* (RPS, Section 4) submitted with the application to WCC provided a detailed review of the planning history for the application site and surrounding lands. The information below should be read in conjunction with that report, as it complements and reinforces the assessment already provided.

3.3.1 Sea Gardens Masterplan

ACP should be cognisant of the permitted Sea Gardens Phase 1B (formerly Coastal Quarter SHD2), which forms part of the overall Sea Gardens Masterplan and is located adjacent to and north of Sea Gardens Phase 2 in their consideration of the subject development.

Phase 1B comprises 586 residential units, including Blocks A and B. In August 2024, permission was granted for Phase 1B (Ref. ABP-314686-22), validating past precedents for increased building heights within the overall former Bray Golf Course lands, and specifically along the east, adjacent to the existing railway line and coastline, and south, along the riverside, and away from existing communities to the west since 2010. This is particularly relevant, as Block E is also to be located in this area.

A review of the Inspector's Report for Phase 1B reveals clear support for increased building heights, noting that local planning policy does not impose specific maximum height limits for the site and that the proposal aligned with the NPF's objectives for compact urban growth.

"I am satisfied that local CDP/LAP policy does not place any specific maximum limit on building height or density for this site."
(Page 59)

"Having regard to my assessment outlined in sections 10.2 and 10.3 of this report, I consider that the proposal assists in securing the NPF objectives of focusing development on key urban centres and effectively supporting the National Strategic Objective to deliver compact growth in urban centres."
(Page 98)

"Section 3.1 of the Building Height Guidelines sets out broad principles for the assessment of proposals for buildings taller than prevailing heights. The proposal for increased height can be considered in accordance with DLRCDP policy (BHS 1) and WCDP policy (CPO 6.17), both of which have taken clear account of the requirements set out in Chapter 2 of the Guidelines."
(Page 98)

It is noted that Block B within Phase 1B, the closest of the two tall buildings to Block E, was initially proposed at 12 storeys but was permitted at 9 storeys following concerns regarding visual impacts on coastal amenity and heritage. This reduction was accepted as a reasonable mitigation without undermining the overall height strategy or the integrity of the masterplan.

Regarding Block E, we wish to confirm that these concerns have been comprehensively addressed. The submitted LVIA demonstrates that Block E's proposed height is appropriate and does not result in unacceptable visual or amenity impacts. The architectural response to RFI Item 7 further details how Block E's height and massing have been sensitively refined to integrate with the surrounding context and complement the wider Sea Gardens Masterplan. Moreover, the AHIA Report submitted also as part of the response to RFI Item 7 confirms that the proposal's high-quality design will ensure no adverse or significant effects on Bray's historic and architectural heritage.

Significantly, the WCC Chief Executive's Report for Phase 1B supported the proposed initially building heights, including the Block B 12-storey element (which was located within the administrative area of WCC). This endorsement for tall buildings as high as 12 storeys is a key indication of WCC's general acceptance of increased building heights within the former Bray Golf Course lands, particularly in the vicinity of the proposed Block E location, which WCC should have had regard for when assessing Item 7 of the RFI.

Taken together, the Inspector's Report, the WCC Chief Executive's Report, and the grant of permission for Phase 1B establish a clear and robust planning precedent for increased building heights within the former Bray Golf Course lands. Notably, this precedent applies to the eastern portion of the site, directly supporting the appropriateness of the proposed height for Block E.

3.3.2 Pizarro Masterplan

Prior to the Sea Gardens Masterplan, Pizarro Developments Limited prepared a masterplan for the redevelopment of the former Bray Golf Course lands and adjoining areas for a mixed-use development. This application was prepared in 2006 and submitted for planning in 2007. Due to administrative boundaries, applications were submitted separately to Bray Town Centre (BTC) Municipal District² (now under WCC) and Dún Laoghaire-Rathdown County Council³ (DLRCC).

Briefly, the permitted Pizarro Masterplan comprises 951 residential units, a hotel, retail, office, and community facilities across approximately 21 hectares. Building heights range from 2 to 11 storeys, with several blocks near the proposed Block E location reaching heights up to 42.85 metres. **Figure 3-1** below, extracted from drawings submitted with the Pizarro Masterplan, illustrates the overall extent of the development within the former Bray Golf Course lands.

While the local planning authorities granted permission for the two applications, these were subsequently subject to separate appeals⁴ (first and third party). The result of these appeals was a grant of permission with revised conditions addressing phasing, detailed design, and mitigation measures, without substantially altering the overall scale or layout.

An extension of duration has also been granted for the permission in WCC⁵ in 2020, confirming the continuing validity of the scale, massing, and heights established within the Pizarro Masterplan for the former Bray Golf Course lands, where Sea Gardens Phase 2 is located. Thus, the Pizarro permission remains valid within the relevant planning period, establishing a significant precedent

² BTC Ref. 07/630194; extension of duration under WCC Ref. 20/672

³ DLRCC Ref. D07A/1495; extension of duration under DLRCC Ref. D07A/1499_E1

⁴ PL39.230246 (BTC area) and PL06D.230215 (DLRCC area)

⁵ WCC Ref. 20/672

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pertinent to the approach to increased building heights in the Sea Gardens Masterplan, particularly in Block E.

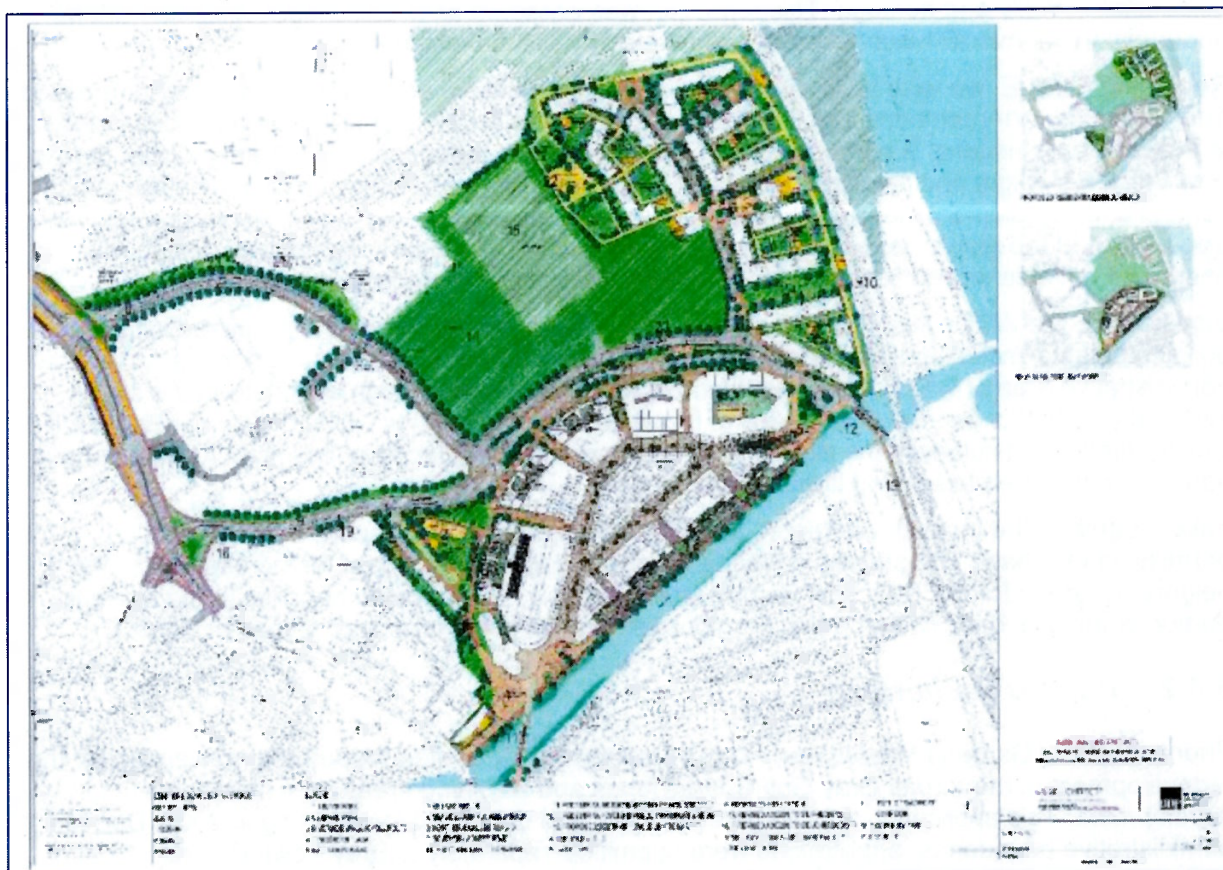


Figure 3-1: Pizarro Masterplan for the former Bray Golf Course lands and adjacent areas

Source: DLRCC Ref. D07A/1495, DLRCC Planning Application Search

The permitted layout within the Bray area includes 11 blocks arranged in a semicircular form, with several blocks positioned adjacent to the railway line, spanning both local authority areas. Notably, Blocks 1/6 and 3/4 are located within or near the current proposed location of Block E. See Figures 3-2 and 3-3 below.

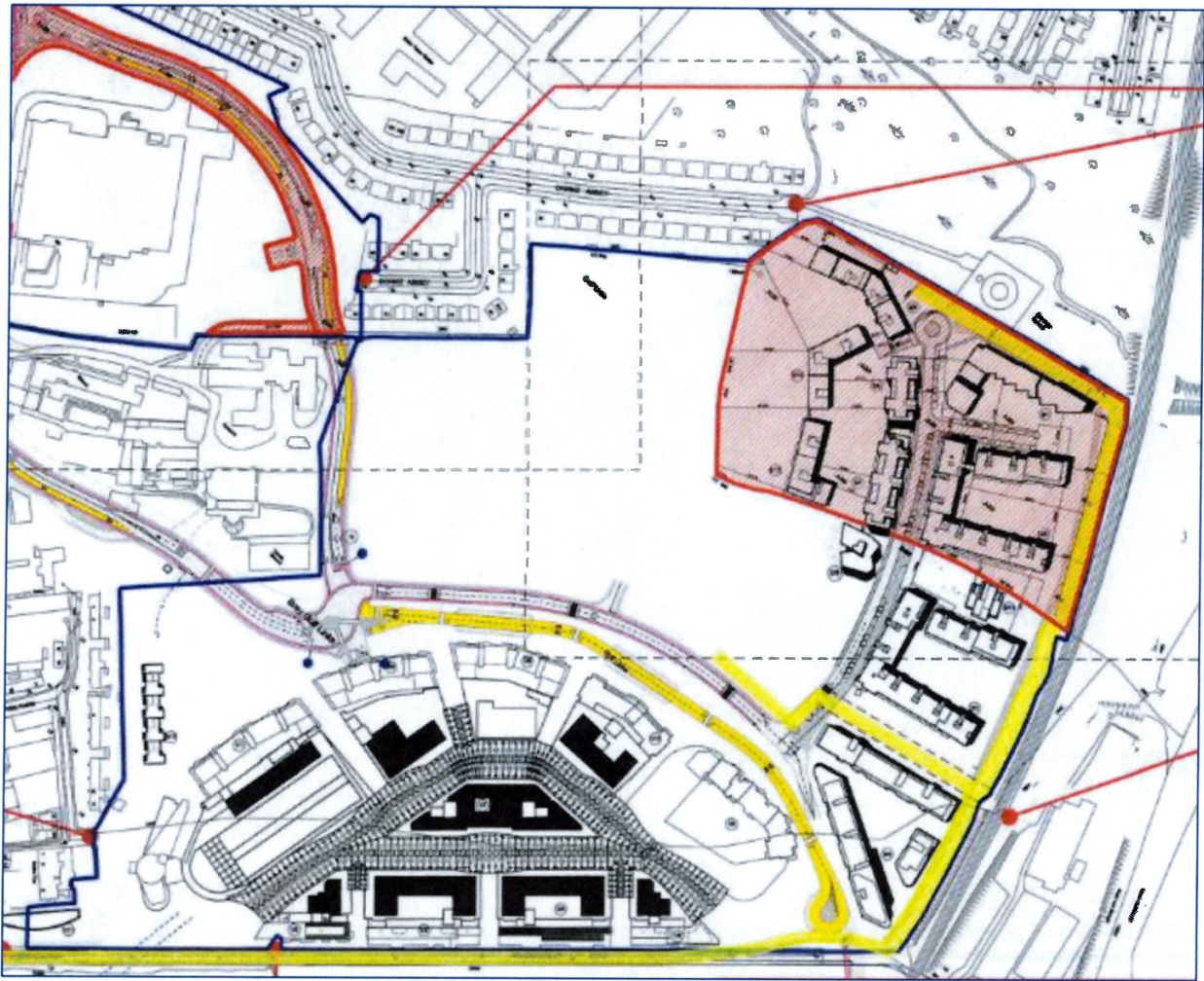
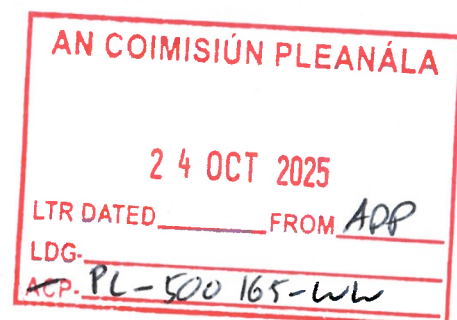


Figure 3-2: Pizarro Masterplan (Blocks within DLRCC administrative area within the red dashed area)

Source: DLRCC Ref. D07A/1495, DLRCC Planning Application Search



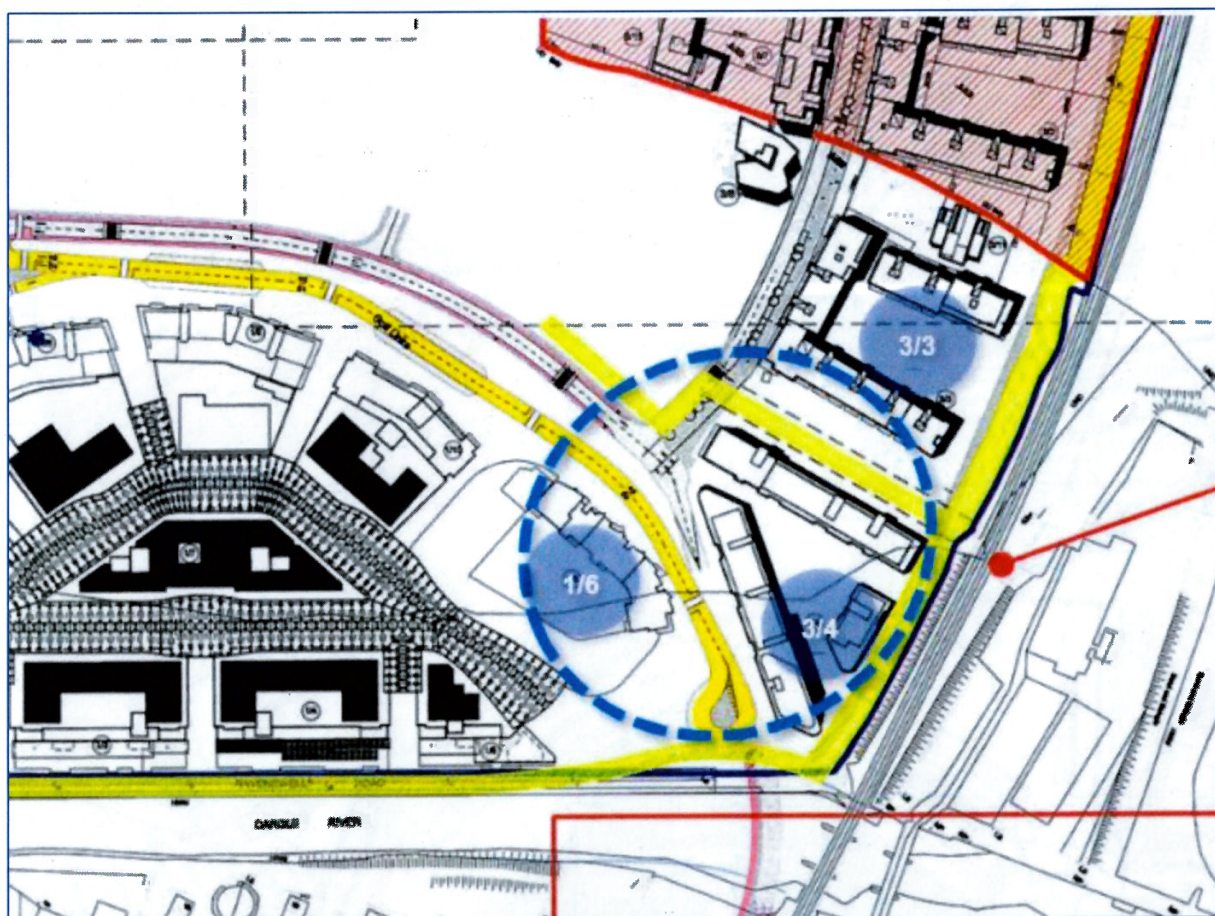


Figure 3-3: Pizarro Masterplan – Permitted Blocks 1/6, 3/3 and 3/4

Source: DLRCC Ref. D07A/1495, DLRCC Planning Application Search

Building heights within the consented Pizarro Masterplan range from 2 to 11 storeys. Block 1/6 reaches a maximum height of c. 42.85 metres (11-12 storeys), with elevations towards the river and coastline, while Blocks 3/3 and 3/4 reach c. 32.15 metres and 32.95 metres respectively (8 storeys).

In connection with the above, we refer ACP to the contextual elevations submitted with the Pizarro application, which show the overall scale, massing and heights proposed along the eastern and southern sides of the former Bray Golf Course lands. The following figures provide extracts of the submitted elevations for the consented Pizarro Masterplan, demonstrating that increased heights, comparable to those now proposed in Sea Gardens Phase 2 and in Block E in particular, have already been permitted by both WCC and ABP for the lands where Block E is to be located.



Figure 3-4: Pizarro Masterplan – Contextual Elevation towards the East (upper) and South (lower)

Source: DLRCC Ref. D07A/1495, DLRCC Planning Application Search

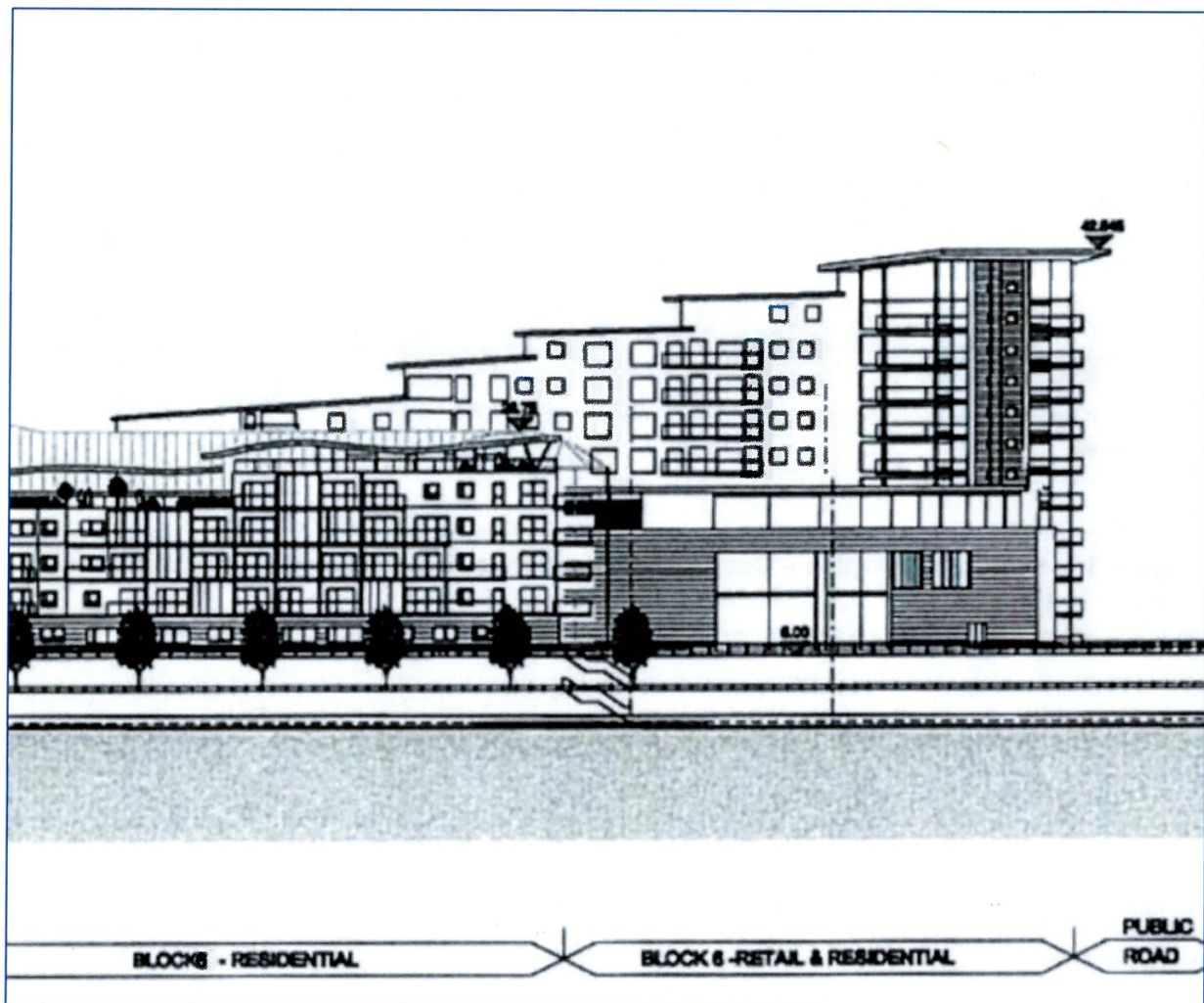


Figure 3-5: Pizarro Masterplan – Permitted Block 1/6 (c. 42.85 metres)

Source: DLRCC Ref. D07A/1495, DLRCC Planning Application Search

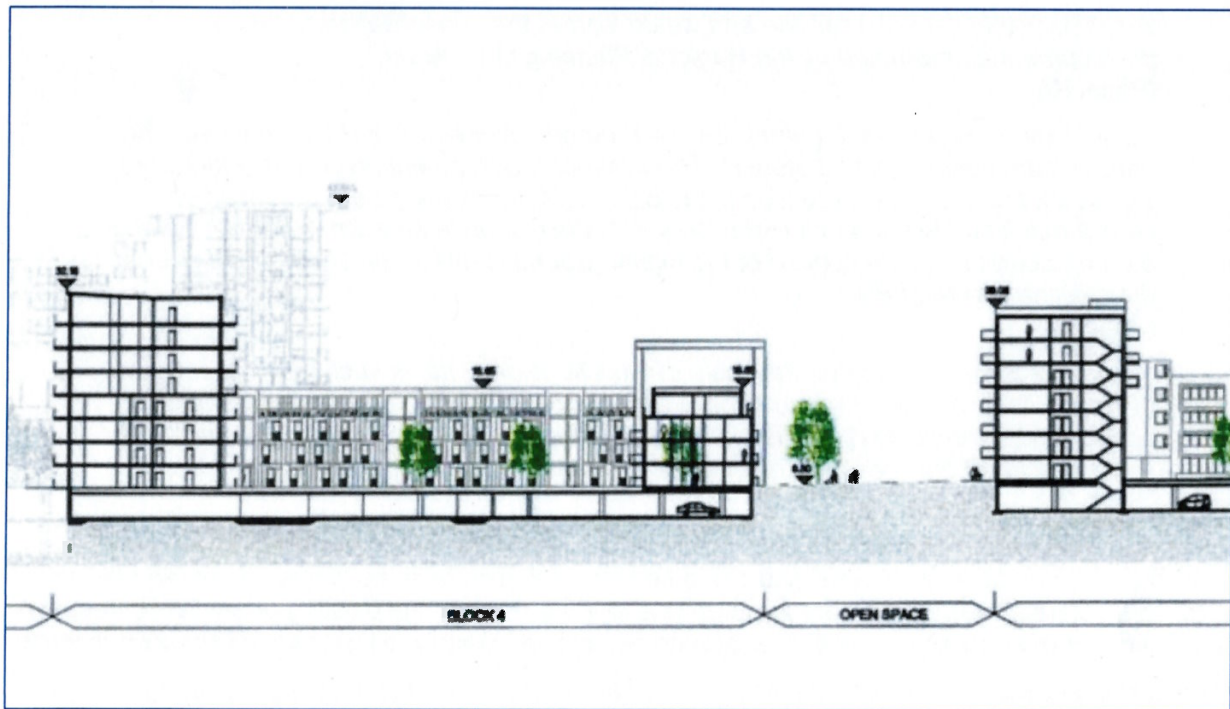


Figure 3-6: Pizarro Masterplan – Permitted Block 3/4 (c. 32.95 metres)

Source: DLRCC Ref. D07A/1495, DLRCC Planning Application Search

An examination of the ABP Inspectors' Reports for the two appeals related to the Pizarro Masterplan applications (PL39.230246 for the BTC site and PL06D.230215 for the DLRCC site) reveals support and appropriateness for the increased building heights and densities proposed across these lands.

Key extracts from Inspector's Report for the BTC application (PL39.230246)

"The variation proposed in the height of buildings within both the residential and mixed use areas of the development, and the design of the buildings, will allow for the integration of the proposed development with the existing town skyline."
(Page 56)

"In terms of scale, it is my opinion that the proposed development while slightly higher in the main part of the mixed use zone is generally in accordance with the general height of 5 storeys specified in Zone 1 and 4 storeys in Zone 3. Provision is made in the AAP for heights greater than this and for landmark buildings and it is my opinion that the scale proposed respects the character and scale of existing residential properties as required by the AAP."
(Page 57)

"Concern has been expressed by appellants living in Seapoint Court, to the south of the site, that the height of the proposed development will adversely impact on the visual amenity of the wider area. By virtue of the variations in levels between the two sides of the river referred to above, the impact in my opinion is acceptable."
(Page 57)

From the DLRCC application, appealed under PL06D.230215, the Inspector's Report notes:

"Having regard to the proximity of the appeal site to the town centre and the availability of public transport (both existing and proposed), it is considered that the density proposed is appropriate and is supported by policy documents including the Residential Density Guidelines and by the County Development Plan which encourages higher

densities within 1km of a rail line and would lead to the consolidation of urban development as promoted by the Regional Planning Guidelines.”
(Page 20)

“Overall the scale of development proposed ranges between 2 and 8 storeys and the predominant height is 5 to 6 storeys. The scale of development proposed is therefore significant but has to be assessed in the context of the development proposed on contiguous lands to the south in the Bray TC administrative area where similar heights are proposed and in the context of the higher ground levels to the south of the river in the existing centre of Bray.”
(Page 21)

“Overall, it is my opinion that the scale of the site at c.4.5 ha. is such that it is capable of setting its own character and density and that the heights proposed are generally acceptable in the context of existing and proposed development on surrounding lands, the character of the area and the extent of views impacted”
(Page 23)

In view of the above, and given that both applications were ultimately consented, it can be reasonably argued that the overall scale and heights, including taller buildings, proposed under the Pizarro Masterplan were considered appropriate to integrate with the existing urban fabric, respect the character of surrounding residential properties, and adequately mitigate visual impact concerns.

These findings establish a clear precedent in support of increased building heights and densities within the former Bray Golf Course lands, where Sea Gardens Phase 2 is proposed. Further analysis is provided in the Howells' response document to Item 7 of the RFI and Appendix A to this Appeal.

Furthermore, it is vital to reiterate that an extension of duration of planning permission granted by WCC in 2020 reaffirms the ongoing validity and acceptance of the scale, massing, and building heights established by the Pizarro Masterplan for the lands.

In summary, the Pizarro Masterplan establishes a clear and valid planning precedent for increased building heights and densities across the former Bray Golf Course lands. Notably, the Pizarro Masterplan included the tallest permitted building heights precisely in the area where Block E is now proposed. This precedent strongly supports the proposed Block E's height within Sea Gardens Phase 2, confirming that such heights have previously been consented and are considered appropriate within this strategic location in Bray. This is particularly relevant given that the planning policy context within which both proposals are assessed is somewhat similar with perhaps a greater emphasis on compact growth and increased density.

3.3.3 Proposed Bbcks A1 and A 2(Reg. Ref. LRD25A/0644)

On the 19th August a Large-scale Residential Development (LRD) application was submitted for 159no. residential units for development at the former Bray Golf Club lands off the Ravenswell Road, Bray, County Dublin within the administrative area of DLRCC on lands proximate to the subject site and part of the Sea Gardens Masterplan.

The proposed development includes Block A1 ranging in height from 6 to 10 storeys comprising 69 no. residential units and Block A2 ranging in height from 7 to 11 storeys comprising 81 no. residential units. The proposed development is currently with DLRCC at the RFI stage. None of the items in the RFI arise from concerns with regard to building height.

The DLRCC Planner's Report on this application considers in some detail the proposed building heights and is positive in regard to the heights proposed, concluding:

“The Planning Authority have reviewed that LVIA and consider that it generally demonstrates that the proposed development is capable of being acceptable in its own right as well as part of a larger future development....

The Planning Authority consider that this location being set away from Bray Seafront, and in a new Urban Quarter of its own, is capable of accommodating additional height as proposed, noting there is step down in height towards the existing lower-rise dwellings. This is also due to the fact that it is strategically located on the coast, adjacent to a public park on to the north and being in proximity to a Core Bus Corridor and DART Station"

The development subject to this appeal is located to the south of Blocks A1 and A2 and the DLRCC considerations in their appraisal of these blocks are generally directly pertinent to the subject proposals. It is noted that Block E has been designed in the context of those proposals for Blocks A1 and A2 now before DLRCC. This is further elaborated upon within the architectural design statement provided in **Appendix A**.

3.3.4 Overall Conclusion on Planning Precedent

This section has demonstrated clear and consistent planning precedents within the former Bray Golf Course lands, supporting increased building heights and densities. The recent approval for Sea Gardens Phase 1B and the longstanding Pizarro Masterplan both establish robust precedents for taller buildings in these lands, particularly along the eastern portion, where Block E is proposed.

These precedents reflect the recognition by both the relevant planning authority of the appropriateness of increased heights to achieve compact and sustainable urban growth for Bray.

Accordingly, it is respectfully submitted that ACP consider these established precedents alongside relevant planning policy context when assessing the proposed height of Block E, recognising the alignment of the proposed increased building height with national, regional, and local planning objectives.

3.4 Design & Masterplan Rationale for Block E

As part of the planning application and the response to RFI noted elsewhere in this document, as part of the Applicant's response to Item 7 of the RFI a detailed design response led by Howells, with input from the wider design team, together with an independent AHIA Report was submitted to WCC. Collectively, these documents demonstrate the design- and masterplan-led rationale underpinning the proposed height, scale, and massing of Block E. This section provides a summary of the key design and master planning principles for Block E, highlighting its response to the site context and its alignment with relevant planning precedents and policy requirements.

Firstly, as demonstrated in the Howells' *Architectural Design Statement* and *Masterplan Document* submitted with the application, Block E's design is neither arbitrary nor isolated. In this regard, Howells' response document to Item 7 of the RFI, particularly Section 3.1, provides further commentary supporting the detailed justification of Block E's design, scale, and proposed height. This confirms that Block E's scale and massing result from a rigorous, masterplan-led design process that carefully considers the site's strategic location within the former Bray Golf Course lands, the evolving urban fabric, and the relationship with existing and consented development. The design approach ensures that Block E responds sensitively to its context and contributes positively to the emerging townscape of Bray, fully aligned with the prevailing planning policy framework outlined in **Section 3.2** and the planning precedents discussed in **Section 3.3** of this document.

The appropriateness of Block E's design, in terms of scale, height, and massing, and its integration with the surrounding environment, is further demonstrated by the LVIA. As initially presented in the LVIA enclosed with the application and further elaborated upon in Section 3.2 of Howells' response document to Item 7 of the RFI, the findings confirm that the proposed height does not result in unacceptable visual or amenity impacts, which in turn, confirm the appropriateness of the proposed Block E's height.

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This design and masterplan-led approach, which guided the design of Block E, is supported by national and regional planning policy, which explicitly endorses increased building heights in well-served, strategic urban locations, such as the former Bray Golf Course lands. Locally, the WCDP and Bray LAP provide a consistent policy basis for considering increased heights, subject to compliance with national guidance and good urban design principles. In particular, the Building Height Guidelines outline clear development management criteria that proposals for increased building heights must meet. These include:

- Careful integration with the existing environment through appropriate massing, scale, and articulation to avoid monolithic or overbearing forms;
- Protection of visual amenity, local character, and residential amenity, including avoidance of overshadowing and respect for heritage and landscape features;
- Contribution to urban legibility, sense of place, and placemaking, with taller buildings acting as positive marker within a coherent urban structure;
- Provision of high-quality public spaces and protection of residential amenity;
- Location in areas with excellent access to high-capacity public transport to encourage sustainable travel patterns.

Block E's design and masterplan context respond comprehensively to these criteria as shown in **Figure 3-7**. As detailed in Howells' response document, the building employs stepped massing and articulated facades to ensure sensitive scale and visual integration within the wider masterplan.



Figure 3-7: Proposed Scheme – 15 Storeys

Source: *Sea Gardens, Phase 2: Appeal Design Statement* (Howells)

The architectural consequences of the attachment of Condition 2 to the decision to grant permission reducing the building to nine storeys is outlined in the enclosed at **Appendix A** *Sea Gardens, Phase 2: Appeal Design Statement* prepared by Howells including:

- Erode the legibility of the development, weakening the wayfinding function that orients movement between Bray Main Street, the Market Square and the seafront;
- From a compositional standpoint, a lower height would flatten the skyline along the coastal edge, eliminating the intended vertical emphasis and variation that articulate the transition from inland duplex housing to the seafront buildings;
- Result in a monotonous roofline lacking the rhythm, contrast and sense of arrival envisaged by the masterplan; and

- Compromise the proportional balance between the Market Square and Central Park spaces, reducing the perceived enclosure and undermining the urban character.

This architecturally sub-optimal design is shown in **Figure 4-2** below.

3.5 Visual Amenity

The LVIA, submitted as part of the Environmental Impact Assessment Report (EIAR) and further addressed in Howells' response document to Item 7 of the RFI, confirms that Block E's height will not dominate or overwhelm key views, including those from Bray's Victorian Seafront and prominent landscape features such as Bray Head and the Sugarloaf.

Strategically positioned—set back and buffered by the railway line and coastline—Block E serves as a marker that enhances urban legibility and placemaking within the Sea Gardens masterplan. The graduated distribution of building heights across the masterplan creates a sensitive transition to adjacent lower-rise neighbourhoods, safeguarding residential amenity and maintaining appropriate scale relationships.

Block E benefits from excellent accessibility to existing and planned high-frequency public transport, including the DART rail service and the forthcoming Bus Connects and future LUAS Green Line extension. This proximity supports the sustainable transport criterion fundamental to policies encouraging increased building heights in suitable locations.

The AHIA Report, prepared by Bill Hastings, further confirms that the high-quality design of Block E will not have adverse or significant impacts on Bray's historic and architectural heritage environment, reinforcing the proposal's sensitive integration with the town's heritage.

The AHIA Report notes that the visibility of Sea Gardens, including of its taller buildings, from historic parts of Bray will be very limited, and from locations from which Sea Gardens cannot be seen it cannot give rise to any impacts on heritage.

At locations of heritage significance from which it may be visible, which is likely to be confined to a small number of locations on the seafront, the objective potential for impact will depend on how large a role Sea Gardens, or any structures in that development, play in any view and to what degree they might, or might not, contrast with historic elements also seen in that view. Based on these criteria, the objective potential for impacts on the setting of architectural heritage is assessed in the AHIA as likely to range in extent from 'imperceptible' to 'moderate' at some locations on Bray seafront, limited to locations from which the development is visible.

In summary, the policy framework and planning precedents clearly support increased building heights in locations such as Block E, provided these key criteria are met. The comprehensive design-led masterplan approach for Block E satisfies all key policy criteria for increased building heights. The visual impacts have been assessed favourably in an LVIA and AHIA. The proposed Block E delivers a building that is consistent with national, regional, and local planning objectives to promote compact, sustainable urban growth while protecting visual amenity, landscape character, and residential quality of life.

3.6 Residential Amenity

The stated rationale for Condition 2 is visual and residential amenity. The impacts on visual amenity have been fully assessed herein and are reported in **Section 3.5** and more broadly the appropriateness of the proposed building height has been considered in **Sections 3.2 – 3.4** of this Appeal.

The impact of the condition on residential amenity is considered below.

3.6.1 WCC Assessment of Residential Amenity

The design intent of the applicant in bringing forward the proposed development was to provide housing which is of a high quality and significantly in excess of minimum standards.

The WCC *Planner's Report* has found that the density of development proposed accords with Compact Settlements Guidelines and with Objective SL03 of the Bray LAP. The housing mix, including 1 bedroom, 2 bedroom, 3 bedroom and 4 bedroom units is considered acceptable and in accordance with the *Sustainable Urban Housing : Design Standards for New Apartments Guidelines* (Apartments Guidelines) Specific Planning Policy Requirement (SPPR 1).

As set out in **Section 2.2** WCC has found the proposed development to accord with planning policy and standards in the Compact Settlements Guidelines and the Apartment Guidelines as appropriate in regard to:

- Density;
- Public Open Space;
- Private Open Space; and;
- Communal Open Space.

The WCC *Planner's Report* states the proposal will not give rise to any significant negative impacts on the existing residential properties in O'Dwyer Park. No failure to meet appropriate residential amenity standards is identified in the WCC *Planner's Report*.

It is not clear in reading WCC's assessment how the proposed development impacts negatively on residential amenity. For completeness the high quality of the residential amenity within the proposed development is set out below.

3.6.2 Consideration of Residential Amenity

It is clearly set out in the *Planning Report* (RPS) and *Quality Housing Assessment and Development Schedules* (Howells) that the proposed development is in accordance with standards set out in the Apartments Guidelines and the Compact Settlements Guidelines.

New Apartments Guidelines:

- Unit Mix – In Accordance (Only 8% apartments are 1B2P)
- Apartment Floor Areas & Safeguarding Higher Standards– In Accordance (All apartments and duplexes comply with the minimum standards and vast majority exceed standard by more than 10%)
- Dual Aspect Ratios – In Accordance (92% Dual Aspect)
- Floor to Ceilings Height – In Accordance (Floor to ceilings height meet or exceed 2.7m ground floor, floor to ceilings height meet or exceed 2.5 in Block H and 2.7m Block E upper floors)
- Lift and Stair Core - In Accordance (Blocks E and H have 8 apartments per floor core)
- Internal Storage – In Accordance
- Private Amenity Space – In Accordance (meet or exceed standards)
- Communal Amenity Space – In Accordance (Exceeds standards)

Compact Settlements Guidelines

- Private Open Space – In Accordance (All houses exceed minimum standards)
- Separation Distances — In Accordance (All houses in accordance)

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- Density – In Accordance (Residential density of 66dph)

In addition, the proposed development has the required ancillary services, is directly adjacent to a new 2ha park and is within walking / cycling distance of Bray town centre and all the infrastructure and services there.

The proposed apartments in Block E are considered to be of a high quality and will provide future residents with a high standard of accommodation.

3.6.3 New Apartment Guidelines

Since the lodgement of the planning application revised apartment standards, the *Planning Design Standards for Apartments, Guidelines for Planning Authorities*⁶ (Department of Housing, 2025) have been published. These Guidelines introduce eight new SPPRs which cover a range of design and layout considerations, generally providing greater flexibility and a lower baseline standard including:

- Removes prescriptive restrictions on apartment mix in statutory plans;
- Reduces minimum floor areas for both studio and three-bedroom apartments;
- Lowers the minimum required proportion of dual-aspect units;
- Eliminates the minimum unit-to-core ratios; and
- Removes the blanket requirement for communal and community facilities, unless such provisions are explicitly required in the relevant development plan.

The proposed development complies with the *Sustainable Urban Housing: Design Standards for New Apartments* and as such generally delivers a higher standard of residential amenity than that now required in the new Apartment Guidelines. The higher standards to which the proposed development adhere further underpin the quality of residential amenity to be enjoyed by future residents of Block E and the proposed development more broadly.

3.7 Reduced Housing Provision arising from Condition 2

Whilst Condition 2 refers only to reducing the height of Block E the effect of the condition is to refuse planning permission for the construction of 44 no. apartments. Such a reduction is not in keeping with the overriding national planning priority of increasing the housing supply. The impact of the reduction in housing supply arising from this condition is not addressed in the *WCC Planner's Report*.

In considering any proposed development the planning authority has to consider a wide range of planning policies and objectives and in some instances balance somewhat conflicting priorities. In this instance it is not clear that appropriate weight has been given to the increasingly urgent Government and planning policy objectives to increase housing supply.

3.7.1 Policy Imperative to Increase Housing Supply

It is well understood that there is a considerable shortfall in the number of new residential units being delivered annually. The Sea Gardens site has been designated as part of the most important site for residential development in the Bray Municipal Area, both in the WCDP and in the Bray LAP. As such there is a need to ensure an appropriate quantum of housing is permitted at this vital and strategic landbank.

⁶ assets.gov.ie/static/documents/Planning_Design_Standards_for_Apartments_080725_FINAL.pdf

The quantum, density and mix of housing as proposed is in line with planning policy as set out in Section 7 of the *Planning Report* submitted as part of the planning application. This is supported in the *WCC Planner's Report*.

The urgent need to increase the delivery of housing has been recognised in policy documents and statements in recent times and in some cases since the lodgement of the planning application. The most recent policy documents are outlined below to provide ACP with the most up to date policy context with regard to the need to increase housing supply.

3.7.1.1 Programme for Government 2025

The *Programme for Government 2025* is unequivocal in its prioritisation of an increased housing supply.

"Housing is a major social and economic challenge that touches every generation. This Government will prioritise a radical step change in housing supply to rise to that fundamental challenge."

The *Programme for Government* re-iterates targets set in the NPF:

"Ramp up construction capacity to build over 300,000 new homes by the end of 2030 in line with the revised Housing Targets to meet both existing and future demands."

To enable the provision of the *Programme for Government 2025* target of 300,000 new homes by 2030,

The *Programme for Government 2025* sets out the need to improve Ireland's infrastructure, especially housing, energy, water, transport, and health digitalisation. Prioritisation of these areas is necessary to deliver on the core ambition for the Review to deliver the supporting infrastructure to enable the delivery of 300,000 additional homes by 2030 and to boost international competitiveness

3.7.1.2 First Revision National Planning Framework 2025

The NPF 2025 was approved in April 2025. The NPF 2025 provides direct policy support for increasing housing and increased building heights and higher densities, particularly where they contribute to compact, sustainable, transit-oriented growth and urban consolidation. This is further detailed in **Section 3.2.1** above.

Key National Policy Objectives (NPO) include:

- **NPO 7:** Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements, ensuring compact and sequential patterns of growth.
- **NPO 10:** Deliver Transport Oriented Development (TOD) at scale in locations served by high-capacity public transport within or adjacent to built-up footprints of cities or metropolitan towns, thereby ensuring compact and sequential growth.
- **NPO 45:** Increase residential density in settlements through measures such as reducing vacancy, re-using existing buildings, infill development, area-based regeneration, increased building heights, and more compact development forms.

3.7.1.3 National Development Plan Review 2025

The *National Development Plan Review 2025* (NDP) was published in July 2025. The NDP's "core focus is on housing delivery and economic competitiveness". This has led to the prioritisation of spending in support of these objectives. The NDP allocates €10billion in equity funding and fund releases has been provided for the period to 2030. This additional funding is focused on energy grid capacity to support the Government's housing and competitiveness objectives and to ensure Uisce Eireann can enable delivery of 300,000 additional homes to 2030.

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Recent planning policy has become increasingly focused on supporting the delivery of additional housing. As noted in the AIHA prepared by Hastings Block E *"will be the visible evidence of our housing need and our achievement in addressing it"*.

3.8 Viability of 9 Storey Block E

The reduction in the number of residential units to be provided in Block E from up to 15 storeys to up to 9 storeys has also a profound impact on the financial viability of the construction of Block E. Such a reduction in floorspace, resulting in 44 no. fewer residential will reduce revenue by tens of millions of Euro severely impacting on the commercial viability of the building.

The revenue loss is particularly acute as those apartments on the higher floors and at penthouse level command higher prices per square metre than apartments located on lower floors. As WCC policy CPO 6.2 prevents the sale of apartments to corporate entities the units have been designed to appeal to a particular owner-occupier market which demands the types of apartments contained in the upper floors.

The loss of revenue is not matched by a commensurate reduction in costs. Land acquisition and groundworks costs are unchanged. The amenities necessary to support the 109 no. units proposed in the building are located on the lower floors. They are not viable without the quantum of development proposed.

Should these 44 no. apartments not be permitted it undermines the ability of the applicant to secure funding for and to proceed to construction of Block E. Quite simply a nine storey Block E, would not be constructed and the total delivery of residential units in the proposed development would potentially drop by 109 no. units, further exacerbating the undersupply of housing nationally and in County Wicklow.

The High Court's recent decision (Cummins & Ors v. An Bord Pleanála & BNRG Mothel Ltd [2025] IEHC 521) on the Mothel Solar Farm challenge has confirmed economic viability is a valid planning consideration, stating *"that for a project to be sustainable it has to be capable of being implemented in an economic, viable and workable manner"*. The Court further confirmed that financial sustainability forms part of *"proper planning and sustainable development."*

The Commission's consideration of proper planning and sustainable development in regard to Condition 2 should include the viability of the construction of Block E.

3.9 Summary of Grounds for Removal of Condition 2

Condition 2 should be omitted from the schedule of conditions attached to the decision to grant permission for the reasons set out below.

As per **Section 3.2**, the proposed building height accords fully with national and local planning policy.

Section 3.3 provides an overview of relevant planning precedents that establish the acceptability of increased building heights adjacent to the town centre within the former Bray Golf Course lands.

In **Section 3.4** it is demonstrated that design and masterplan led rationale underpin the proposed height, scale, and massing of Block E. The negative architectural and placemaking impacts of a reduction of Block E to 12 no. storeys are outlined.

The visual impact of the proposed development has been considered in **Section 3.5** and the LVIA and AHIA have found the proposed development will not dominate or overwhelm key views, including those from Bray's Victorian Seafront and prominent landscape features such as Bray Head and the Sugarloaf hills.

The high quality of the residences proposed and is described in **Section 3.6**. In addition, the negligible impact the proposed development of Block E will have on proximate residential amenity is set out.

Finally, in **Section 3.7** the actual impact of the condition in preventing the construction of at a minimum 44 no. residential units, at a time when policy at all levels supports increasing housing supply is considered.

Notwithstanding the above, and without prejudice should ACP consider a reduction in height of Block E is required, **Section 4** (following) sets out an alternative design for Block E which reduces the marker building to 12 storeys. This is considered to be the most significant reduction in floor area of Block E which can be implemented while still maintaining the legibility and architectural coherence of the Masterplan and the financial viability of the development, enabling the development to proceed.

4 Possible Revisions to Block E

4.1 Introduction

As set out in **Section 3** Block E as proposed is considered to accord with planning policy, be consistent with relevant planning precedents that establish the acceptability of increased building heights adjacent to the town centre within the former Bray Golf Course lands and forms part of a considered design, masterplan-led rationale underpinning the proposed height, scale, and massing of Block E. As also set out in **Section 3.7** any reduction in housing supply runs contrary to the overriding planning policy objective of delivering a significant increase in housing supply.

Block E, as the marker building of the overall Sea Gardens masterplan, plays a crucial role in defining both the physical and visual identity of the site while establishing a strong connection with its surrounding urban context.

A 9-storey building at the Block E location would be inappropriate and contrary to the established spatial hierarchy set out in the Sea Gardens Masterplan. **Figure 4.1** below shows the conditioned arrangement. As noted in **Section 3.3.3** DLRCC are supportive of the proposed height of Blocks A1 and A2 (Reg. Ref. LRD25A/0644). Therefore, if ACP retain Condition 2 as imposed by WCC there is a very real risk of there being a monotonous roofline lacking the rhythm, contrast and sense of arrival envisaged by the masterplan. The inappropriateness of a 9-storey block is further detailed in **Section 3.4**.



Figure 4-1: Conditioned Scheme – 9 Storeys

Source: *Sea Gardens, Phase 2: Appeal Design Statement* (Howells)

Should ACP consider a reduction in height of Block E is required please find set out below an alternative design for Block E which reduces the marker building to 12 storeys. This is considered to be the most significant reduction in height which could be countenanced whilst still delivering the design intent to provide a marker building at this location.

4.2 Description of Possible Revisions to Block E

The revised design of Block E comprises a 12 storey building. The quantum of apartments in the revision is reduced from 109 to 87 no. apartments. This reduction of 22 no. apartments is considerably less than the 44 no. apartments which are not permitted by Condition 2 attached by WCC to the decision to grant permission. The possible revisions are detailed in **Table 4.1** below.

Table 4.1: Block E Proposed and Revised Residential Schedule

	1B2P	2B4P	3B5P	3B6P	4B8P	Total
Proposed Development Schedule as per Planning Application	9	83	4	5	8	109
Proposed Development Schedule as per Revised Proposal	9	61	4	5	8	87

Source: *Development Schedule : Alternative Block E* (prepared by Howells Architects and enclosed)

While providing additional housing at a time of significant shortfalls in supply the revised arrangement also maintains the aesthetic and design function of Block E:

- Retains Block E's role as a marker and gateway to Sea Gardens;
- Balances height and context, ensuring compatibility with Bray's skyline and streetscape;
- Improves environmental performance, daylight access, and microclimate conditions;
- Complies with national, regional, and local planning policy on sustainable urban development and building height; and;
- Delivers a high quality architectural statement that reinforces Bray's identity as a vibrant coastal town undergoing thoughtful regeneration.

Further detail on the design quality of the revised Block E is provided in the enclosed *Sea Gardens, Phase 2: Appeal Design Statement* and *Schedule of Areas* prepared by Howells contained in **Appendix A**. The alternative scheme is shown in **Figure 4-2**.

**Figure 4-2: Alternative Scheme – 12 Storeys**

Source: *Sea Gardens, Phase 2: Appeal Design Statement* (Howells)

In addition, a complete set of architectural drawings including elevations, contiguous elevations, floor plans and sections are enclosed as per the schedule appended to the enclosed cover letter.

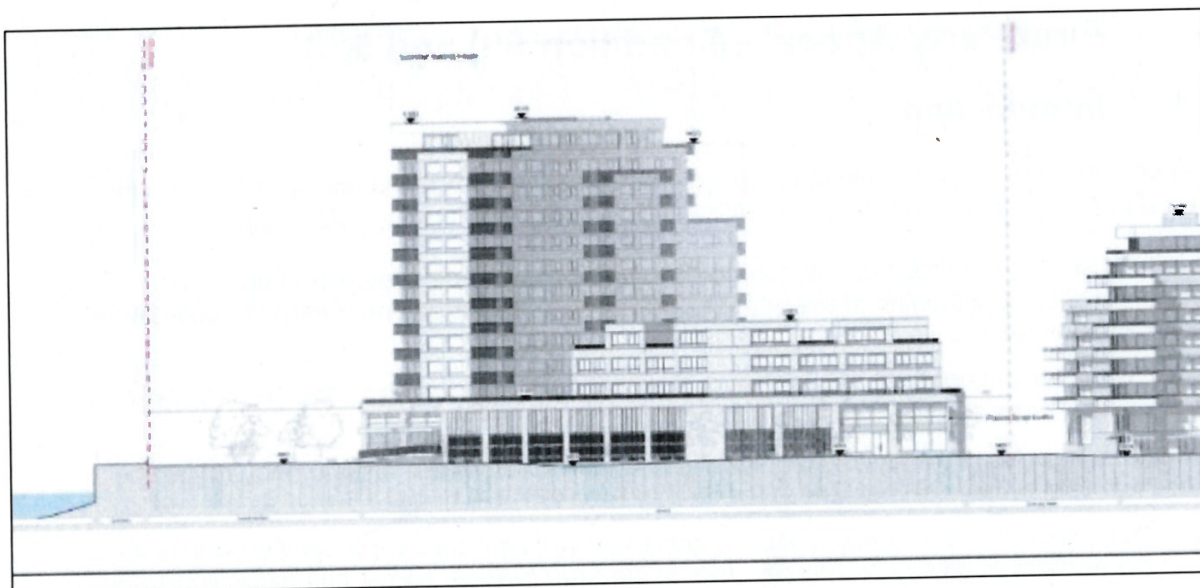


Figure 4-3: Revised Elevation of Block E

Source: *Contiguous Elevation JJ* Drawing prepared by Howells

4.3 Block E Revisions Conclusion

As set out in **Section 3** of this report and the enclosed *Sea Gardens, Phase 2: Appeal Design Statement* prepared by Howells Block E, as proposed at up to 15 storeys in height, is considered the most appropriate design.

However, set out in this section is a revised arrangement which maintains the architectural quality and intent of the original proposal while allowing a reduction in height to 12 storeys.

Should ACP be minded to reduce the height of Block E it is considered that the revised 12 storey option is a much more appropriate approach than that taken by WCC and is the minimum height Block E may be if it is to fulfil its function as a marker building providing rhythm to the skyline and legibility to Sea Gardens. A condition requiring the revised 12 storey arrangement be implemented could be attached to the ACP decision if the Commission is so minded.

Finally, if ACP agrees with WCC that neither a 15 storey nor 12 storey Block E is appropriate, we request that the block be refused permission in its entirety so that there is clarity that the rest of the scheme can be built out in accordance with the proposed phasing as conditioned in Condition 5(a).

5 First Party Appeal - Condition 5(i) and 5(ii)

5.1 Introduction

Condition No. 5(i) and (ii) require link the construction of the proposed development with the provision of pedestrian and cycle infrastructure at the nearby Fran O'Toole bridge.

Condition No. 5(i) requires that the construction of the proposed development does not commence until construction of the pedestrian and cycle infrastructure at Fran O'Toole bridge has been commenced:

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

While Condition No. 5(ii) links occupation of the proposed development with the provision of pedestrian and cycle infrastructure at the nearby Fran O'Toole bridge.

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

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

5.1.1 Status of Bridge Upgrade

In the first place it should be noted that there is no objective in the Bray Municipal LAP 2018-2024 to upgrade the Fran O'Toole bridge.

The upgrade of the Fran O'Toole bridge, comprising the provision of enhanced pedestrian and cycle facilities referenced in the Condition is at the pre-planning stage. The applicant understands that this project is being progressed by Wicklow County Council in association with the NTA. However, the design has not been finalised and no drawings have been published, or shared with the applicant. At no stage during the course of pre-planning consultations was the applicant asked to deliver this bridge or informed that the commencement of the proposed development might be contingent on the delivery of the bridge. Condition 5 came as a complete shock to the applicant.

The process of procuring planning permission / consent has not commenced, and it is not clear when permission may be granted, or indeed what the consenting process may be. Therefore, it is not known when, or if, the undefined works envisaged will be undertaken. Whether the consenting process is through the S34 process, Part 8 process or other process, the consenting process alone may not be completed before 2027. Procuring a contractor under the public procurement process by Wicklow County Council is likely to take a further year. In short, it is probable that the commencement of the pedestrian and cycle infrastructure on the Fran O'Toole Bridge referenced in Condition 5(i) will not be before Q1 of 2028.

The subject permission now being appealed is a standard 5-year permission. Assuming a final grant in Q1 of 2026 no works could commence for the first two years of the life of the permission.

Under such circumstances this condition does not accord with good planning, is unnecessary for the reasons set out below and should be omitted from the grant of permission.

5.2 No Functional Reliance upon Bridge

Condition 5(i) and (ii) would seem to be implying the proposed development is reliant upon the provision of the Fran O'Toole bridge infrastructure to allow for the movement of pedestrians and cyclists between the proposed development and Bray Town Centre.

There are however existing dedicated pedestrian and cyclist facilities on the Fran O'Toole Bridge. As shown in **Figure 5.1** there are footpaths and advisory cycle lanes on each side of the carriageway.



Figure 5-1: Existing Fran O'Toole Bridge with Footpaths and Cycle Lanes

The provision of new cycle and pedestrian facilities will not deliver a new route or address a capacity issue. It simply delivers an improved section of an existing pedestrian and cyclist route between Bray town centre and the proposed development.

Internally the proposed development proposes an interconnected and permeable network of streets that provides onward connections to key destinations including Bray Town Centre, Bray Train Station and Bray sea front. Active travel provision and connections are shown on the AtkinsRealis Drawing Ref No. BRA-ATK-02-ZZ-DR-C-66237 *Active Travel Plan to Bray Town Centre & Railway Station* submitted as part of the RFI response. **Figure 5-2**, an excerpt from this planning drawing, illustrates that the development includes appropriate connections and tie-ins with Dublin Road and Harbour Road. These roads serve as strategic corridors linking the site to Bray Town Centre and the DART station. As confirmed in the *Phase 2 RFI Response* document prepared by AtkinsRealis and submitted as part of the RFI response the proposed development is wholly capable of proceeding in its current form.

Notwithstanding the adequacy of existing infrastructure, the applicant is supportive of the improvement in transport infrastructure and services in the vicinity of the subject site and has specifically designed the proposed development to facilitate same, for example the proposed development safeguards the alignment and integration of the sustainable transport bridge. However, the proposed development is in no way reliant upon the delivery of additional external infrastructure to provide pedestrian and cycle accessibility. The existing pedestrian and cycle infrastructure provide access to the town centre and Bray Train Station and there is no transport need for Condition 5(i) or (ii) to be attached to the decision to grant permission.



Figure 5-2: Active Transport Links Sea Gardens to Bray Town Centre

Source: Atkins Realis Drawing BRA-ATK-02-ZZ-DR-C-66237 submitted in RFI Response

5.3 Planning Policy

There is broad general support for increasing active transport mode share and enhanced pedestrian and cycle infrastructure across planning and transport policy documents.

The proposed development accords with these general objectives as shown in **Figure 5-1** above through:

- Locating significant new development within easy walking and cycling distance of an existing town centre and served by existing and proposed public transport;
- The provision of an interconnected and permeable network of segregated cycle routes, paths and shared local streets routes;
- Linkages with Bray Town Centre and Bray Dart Station including dedicated pedestrian and cycle facilities; and;
- Specific provisions within the proposed development to enable delivery of enhanced public transport infrastructure.

There is local policy specifically addressing Bray and the subject lands. The *Bray and Environs Transport Study* states:

"Bray Golf Club Lands The following is required to serve the full build-out of Bray Golf Club lands:

- *Golf Club Lands development roads;*
- *Pedestrian and cycle links from the Golf Club to Bray Town Centre;*
- *Dublin Road bus priority (part of Bray Core Bus Corridor);*

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- *Public transport, pedestrian and cycle bridge from the Golf Club Lands to Bray DART station for future use by Luas;*
- *Development of interchange at Bray DART Station; and*
- *Commitment to the phased introduction of bus and enhanced rail services in line with increased demand."*

SLO 3: Linkages of the Bray LAP states

"Excellent linkages shall be provided from the site to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river"

The proposed development benefits from multiple access points for cyclists / pedestrians and existing pedestrian and cycle links to Bray Town Centre. The proposed development meets the specific local policy with regard to the provision of cycle / pedestrian infrastructure and linkages.

Neither the Bray LAP or the *Bray and Environs Transport Study* reference an upgrade of the Fran O'Toole bridge and there is certainly no requirement to upgrade the Fran O'Toole bridge as a prerequisite to development within the subject site.

The imposition of Condition 5(i) and (ii) does not have a clear basis in planning policy.

5.4 Adherence of Condition with Good Planning Practice

Condition 5(i) and (ii) require work to be done on lands outside the development site and not in the ownership or control of the applicant. As such, the applicant has no ability to progress the conditioned upgrade of the Fran O'Toole Bridge.

Effectively, the permission is entirely dependent on the action, or inaction of third parties.

The Office of the Planning Regulator (OPR) has issued *Practice Notes on Planning Conditions*⁷ (Practice Notes). The Practice Notes set out criteria for attaching conditions to permissions, including that they be necessary, reasonable and enforceable.

The subject condition is not necessary for reasons set out in **Sections 5.2** and **5.3**. The condition is not reasonable as the infrastructure is not required for the movement of pedestrians and cyclists between Sea Gardens and the Bray Town Centre. The condition is not enforceable as the upgrades cannot be delivered by the applicant.

More specific to the subject instance the Practice Notes also state:

"Conditions requiring development to be carried out on lands outside the control of the applicant prior to the commencement of development, or prior to the occupation of the development, cannot be complied with by the developer and so are not enforceable. Such conditions should not be imposed."

The Practice Notes do go on to qualify this position somewhat noting that there may be instances in which "*certain works outside the site are required to render it acceptable*". In such cases these works should be already permitted, commenced and/or will be undertaken within a reasonable timeframe.

In the case of Fran O'Toole Bridge, the works:

- Are not necessary to render the proposed development acceptable as there are already dedicated cycle and pedestrian linkages on the Fran O'Toole Bridge (see **Section 5.2**);

⁷ [OPR Publishes Practice Note on Planning Conditions - The Office of the Planning Regulator](#)

- The finalisation of the design is not complete;
- The formal planning process to obtain permission / consent for the upgrade of the bridge has not commenced. It is not known when planning consent will be obtained; and
- There is no certainty as to when, or indeed if, the works will be undertaken.

Therefore, the exceptional circumstances which might support the attachment of this condition are not present and the attachment of this condition to the decision to grant permission is ill advised and contrary to the guidance published by the OPR.

An additional factor meaning the imposition of these conditions is contrary to OPR guidance, is the introduction of this very specific requirement at such a later juncture in the planning process. The OPR advice that these matters should be raised in pre-application consultation (Section 247) and/or at the RFI stage. The applicant was not made aware of the WCC view regarding the necessity for the Fran O'Toole bridge to be upgraded as per Condition 5(i) and (ii) at the pre-planning stage. RFI Item 1 simply sought "*clarification/justification on how this proposed development can proceed in the absence of*" a list of transport infrastructure / services.

At no point in the pre-planning and planning process until the imposition of these conditions has it been made a pre-requisite of the development / occupation of the subject lands that an upgrade of the Fran O'Toole bridge be in place.

The attachment of this condition to the decision to grant permission without raising specifically at the pre-planning / RFI stages is contrary to the guidance published by the OPR.

5.5 Housing Supply

As set out in **Section 3.7.1** there is a policy imperative to increase housing supply. The imposition of Condition 5(i) and (ii) risk the delay in construction of 341 no. residential units for an unknown period of time as a bridge is designed, consented and subsequently construction is commenced. This could take a number of years, or may never happen, and is wholly contrary to the overarching policy imperative to significantly increase housing supply now.

Infrastructural shortfalls have been identified as a key obstacle in the delivery of housing nationally and the NDP (See **Section 3.7.1.3**) has as a particular focus the removal of these bottlenecks. In this context it is puzzling why WCC are creating infrastructural bottlenecks to the delivery of housing when the subject proposals are adequately served by existing pedestrian / cycle infrastructure and are not reliant upon upgrades to the Fran O'Toole Bridge.

5.6 Redundancy of this Condition

Both Condition 5(i) and (ii) should be omitted. Condition 5(i) is however particularly objectionable as it requires the commencement of work on the provision of the infrastructure prior to the commencement of construction of the proposed development.

Presumably the key concern of WCC in the sequencing of the development of Sea Gardens and the pedestrian and cycle infrastructure at the Fran O'Toole bridge must logically be the completion of the transport infrastructure prior to the generation of pedestrian / cyclist movement (i.e. occupation of the proposed development). Therefore, linking the commencement of construction of the proposed development to the pedestrian and cycle infrastructure at the Fran O'Toole bridge has no clear logical basis.

Condition 5(i) does not address any of the (misplaced) concerns of WCC and instead imposes additional constraints on the delivery of housing in the midst of a severe housing shortage.

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Notwithstanding the above, Condition 5(ii) is also entirely inappropriate and redundant in the context, as outlined in **Section 5.1.1** of their being no design, no consent and no clear timeline for the bridge upgrade.

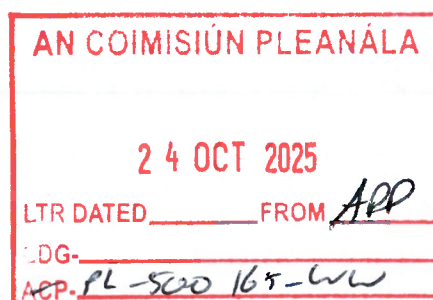
5.7 Summary of Grounds for Removal of Condition 5(i) and (ii)

Condition 5(i) and (ii) should be omitted from the schedule of conditions attached to the decision to grant permission for the reasons set out below.

The imposition of Condition 5(i) and (ii) is not supported by planning policy, in fact in hindering the delivery of housing they are contrary to the overarching policy imperative to deliver more housing.

Conditions 5(i) and (ii) are not required to be attached to the decision to grant permission as the proposed development benefits from existing dedicated pedestrian and cycle infrastructure and is not reliant upon the cycle / pedestrian infrastructure for accessibility. The imposition of Condition 5(i) and (ii) therefore hinder and delay the delivery of housing in the midst of a severe housing shortage for no reason.

The conditions are neither necessary, reasonable or enforceable and are wholly contrary to the OPR published *Practice Notes on Planning Conditions*.



6 First Party Appeal - Condition 6

6.1 Introduction

Condition 6 pertains to development contributions and states:

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

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme for the area in which the site is located and Section 48(1) of the Planning and Development Act 2000.

Where the contribution remains unpaid the monies payable shall be updated in accordance with the Wholesale Price Index as published by the Central Statistics Office on the 1st January of each year following the date of the Final Grant.

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

The applicant is wholly satisfied to make a payment to the Planning Authority as a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

However, as part of the development of the former Golf Course lands the applicant is delivering significant infrastructure which benefits the people of Bray more generally. The proposed Southern Access Road provides an important link for pedestrians, cyclists and motorists between the Dublin Road and the waterfront and the planned Luas Stop. The delivery of the roadway is directly supported by the Bray LAP (Transport Objectives Map No. TO1) and forms part of the Golf Club Lands Transport Infrastructure as listed in Appendix 1 of the WCC Development Contribution Scheme. As such it is considered that cost of the provision of this roadway, borne by the applicant, should be offset against the subject conditioned development contribution. The grounds for this cost being offset is detailed further below.

6.2 Description of Southern Access Road

The proposed development includes the Southern Access Road. This route has been designed to make it more pedestrian and cycle friendly and provides an important connection from the Masterplan lands and the planned Luas Stop and waterfront to Castle Street and beyond.

The location of the proposed road is shown in **Figure 6.1** and the key role in enabling access to the planned Luas stop is apparent. The roadway includes dedicated pedestrian and cyclist facilities on both sides of the carriageway as shown in **Figure 6.2**.

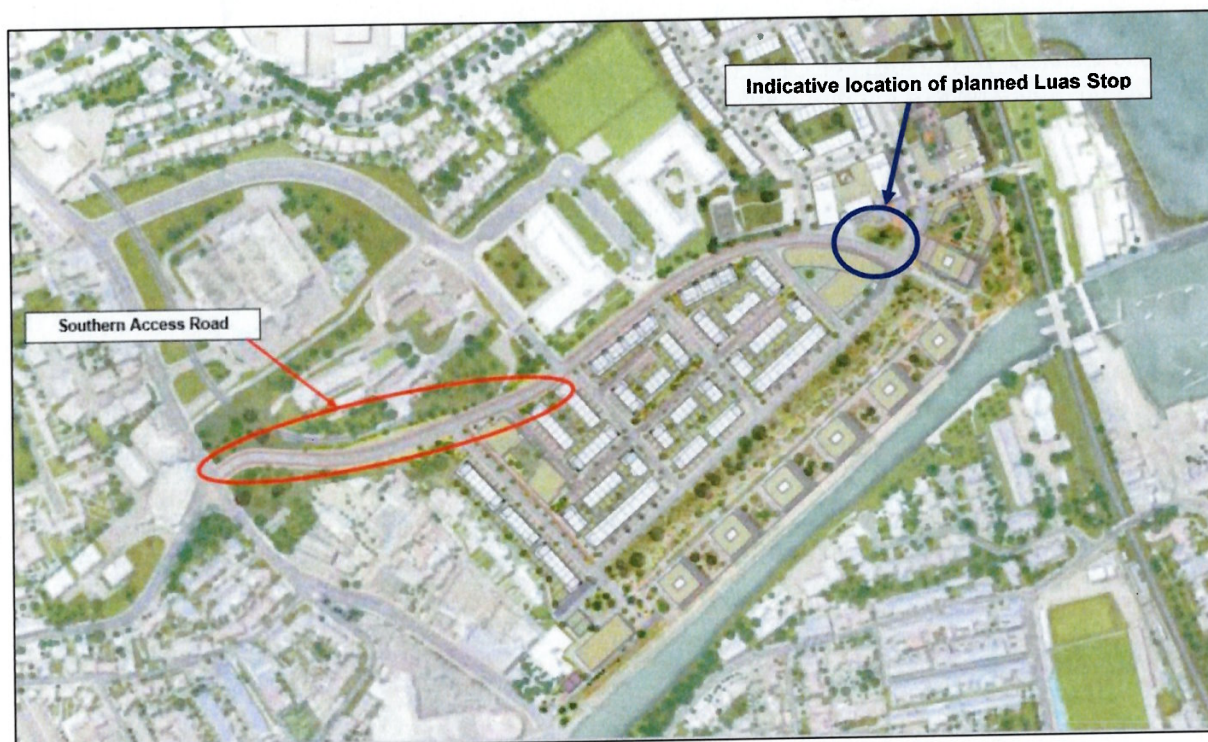


Figure 6-1: Southern Access Road

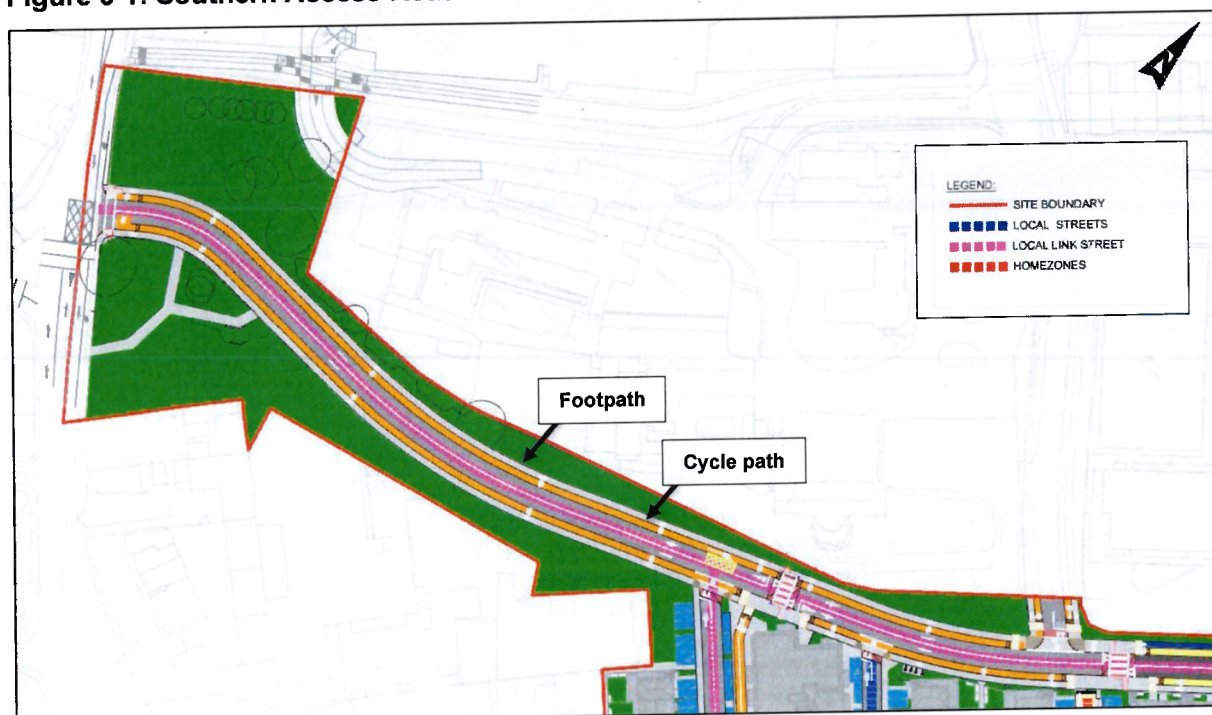


Figure 6-2: Southern Access Road Design

Source: AtkinsRealis Drawing: *Street Typology 1 of 3*

6.3 Planning Policy

The delivery of the roadway including dedicated cyclist and pedestrian facilities is supported generally and specifically by the Bray LAP:

"PT2 - To support and facilitate the implementation of measures to improve overall accessibility, public transport and walking / cycling opportunities within the Municipal District and between the Municipal District and other centres of population and activity identified in the Bray and Environs Local Transport Study.

R05 - With respect to the major development area at the former Bray Golf Course, excellent linkages shall be provided from the site to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river.

SLO 3: Linkages "Excellent linkages shall be provided from the site to surrounding areas; multiple access points for both vehicles and cyclists / pedestrians shall be developed and in particular, the development shall include linkages through the site between the Dublin Road and Bray seafront / the DART station and public walking route along the river"

With regard to Road Objectives the Bray LAP references Bray LAP Map TO1, an excerpt from which is shown in **Figure 6-3**. As shown the Southern Access Road forms part of the "Local Road Improvements".

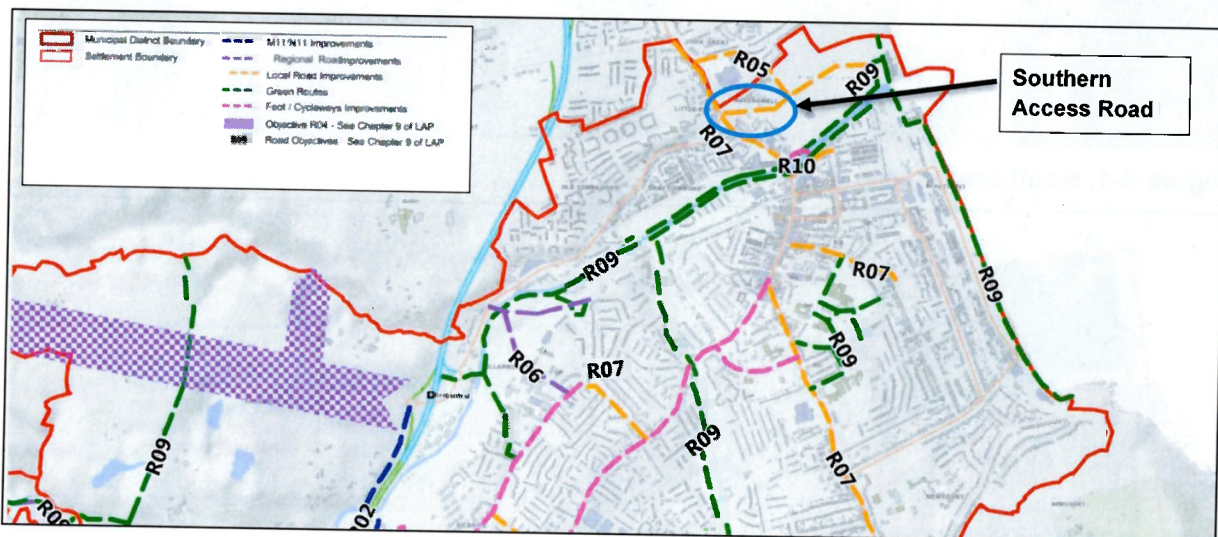


Figure 6-3: WCC Road Objectives

Source: Bray LAP, Transport Objectives Map No. TO1, RPS Annotation

The Southern Access Road forms part of the public road network, providing access for pedestrians, cyclists and motorists to the planned Luas Stop, the waterfront and the former Bray Golf Course Lands including existing schools. The provision of the roadway is specifically supported by the Bray LAP. The roadway is not simply being provided with the narrow objective of serving the proposed development, or the Masterplan lands.

6.4 WCC Development Contribution Scheme

The WCC Development Contribution Scheme sets out classes of public infrastructure and facilities in respect of which contributions will be sought. Included in these classes within the WCC Development Contribution Scheme is "Roads and Transportation".

Appendix 1 of the WCC Development Contribution Scheme lists projects for the various classes of public infrastructure including Roads and Transportation.

The WCC Development Contribution Scheme notes:

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"Where a project listed in Appendix 1 is constructed / provided by a developer as part of a planning permission, a portion of the cost of constructing providing the project may be offset against the relevant contributions due under the subject permission..."

Listed in Appendix 1 is the following:

"Golf Club Lands Transport Infrastructure inc Bridge, Bray"

The proposed Southern Access Roads self-evidently forms part of the *"Golf Club Lands Transport Infrastructure"*. The provision of the roadway is specifically shown in the Bray LAP Transport Objectives Map and is therefore recognised by WCC as forming part of the public road network.

Therefore, in accordance with the general intent of Development Contribution Schemes and the specific provisions of the WCC Development Contribution Scheme with regard to Golf Club Lands Transport Infrastructure the cost of the delivery of the Southern Access Road should be offset against the development contribution set out in Condition 6 attached to the decision to grant planning permission.

Requiring the applicant to pay development contributions and fund the development of the Southern Access Road is effectively double charging which as noted in the *Development Contributions Guidelines for Planning Authorities* (Department of the Environment, Community and Local Government, 2013) is *"inconsistent with both the primary objective of levying development contributions and with the spirit of capturing 'planning gain' in an equitable manner"*.

Should ACP have any doubt regarding the Southern Access Road forming part of the *Golf Club Lands Transport Infrastructure*, the proposed Southern Access Road also forms part of other Appendix 1 listed *Class 1 Public Infrastructure and Facilities Roads and Transport* including, *"Local Road Improvements"* as per Transport Objectives Map No. TO1 and *"Pedestrian and Cyclist Facilities"*.

It is requested that ACP amend Condition 6 to remove reference to a specific amount of money and instead require that the amount to be paid shall be agreed between the Planning Authority and the Developer on the basis of the Section 48 Scheme with an allowance being made to offset the costs borne by the developer in the provision of the Southern Access Road.

6.5 Summary of Grounds of Appeal

The Southern Access Road forms part of the public road network, providing access for pedestrians, cyclists and motorists to the planned Luas Stop, the waterfront and the former Bray Golf Course Lands including existing schools. The provision of the roadway is specifically supported by the Bray LAP.

The WCC Development Contribution Scheme notes that where a project listed in Appendix 1 is constructed / provided by a developer as part of a planning permission, a portion of the cost of constructing providing the project may be offset against the relevant contributions.

The Southern Access Road forms part of the *"Golf Club Lands Transport Infrastructure inc Bridge, Bray"* as listed in Appendix 1.

In accordance with the general intent of Development Contribution Schemes and the specific provisions of the WCC Development Contribution Scheme the cost of the delivery of the Southern Access Road should be offset against the development contribution set out in Condition 6 attached to the decision to grant planning permission.

It is requested that ACP amend Condition 6 to remove reference to a specific amount of money and instead require that the amount to be paid shall be agreed between the Planning Authority and the Developer on the basis of the Section 48 Scheme with an allowance being made to offset the costs borne by the developer in the provision of the Southern Access Road.

7 Conclusion

The Applicant welcomes WCC's Decision to Grant Planning Permission for the Proposed Development and considers that the decision is reflective of the quality of the design.

However, notwithstanding the welcome decision to grant planning permission for the Proposed Development, there are a number of conditions attached to the decision to grant planning permission that are of significant concern and are the subject of this Appeal, namely:

- Condition no 2. Pertaining to the Height of Block E;
- Condition no. 5(i) and (ii) – Linking temporally the construction and delivery of transport infrastructure works adjacent to the site with construction of the proposed development; and
- Condition no. 6 requiring payment of a development contribution that provides no offset for the provision of the Southern Access Road for the benefit of all by the developer.

The application documentation including the response to Item 7 of the WCC RFI, has demonstrated that the proposed height of Block E within Sea Gardens Phase 2 is appropriate, justified, and fully supported by the existing planning policy framework, established planning precedents, and a considered design-led masterplan approach. Block E will not dominate or overwhelm key views, including those from Bray's Victorian Seafront and prominent landscape features such as Bray Head and the Sugarloaf hills.

The conditioned arrangement, reducing Block E to 9 storeys will undermine the architectural design, delivering a monotonous roofline lacking the rhythm, contrast and sense of arrival and legibility envisaged by the masterplan. The condition would also directly prevent the delivery of 44 no. high quality housing units at time of profound housing shortages and undermines the financial viability and consequently ability to finance the construction of Block E.

Should ACP have concerns regarding the height of Block E, while we consider these concerns to be misplaced, please find enclosed details of a revised 12 storey arrangement. This is the minimum height Block E may be if it is to fulfil its function as a marker building providing rhythm to the skyline and legibility to Sea Gardens and remain somewhat financially viable. A condition requiring the revised arrangement be implemented could be attached to the ACP decision if the Commission is so minded.

Condition 5(i) and (ii) is not required to be attached to the decision to grant permission as the proposed development is not reliant upon the cycle / pedestrian infrastructure for accessibility, furthermore. The imposition of Condition 5(i) and (ii) is not supported by planning policy, in fact in hindering the delivery of housing they are contrary to the overarching policy imperative to deliver more housing. The imposition of this condition is contrary to the OPR published *Practice Notes on Planning Conditions*.

Condition 6 does not give due regard to the Southern Access Road, which forms part of the public road network, providing access for pedestrians, cyclists and motorists to the planned Luas Stop, the waterfront and the former Bray Golf Course Lands including existing schools.

The WCC Development Contribution Scheme notes that where a project listed in Appendix 1 is constructed / provided by a developer as part of a planning permission, a portion of the cost of constructing providing the project may be offset against the relevant contributions. The Southern Access Road forms part of the "Golf Club Lands Transport Infrastructure inc Bridge, Bray" as listed in Appendix 1 and therefore in accordance with the general intent of Development Contribution Schemes and the specific provisions of the WCC Development Contribution Scheme the cost of the delivery of the Southern Access Road should be offset against the development contribution set out in Condition 6.

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The Proposed Development delivers a high-quality mixed-use development within Bray, served by existing and planned public transport and provides 341 no. new housing units at a time of great need.

For all of the reasons and considerations set out in detail in this Appeal, the Applicant requests that An Coimisiún Pleanála grant permission for the Proposed Development, but that Conditions 2, 5(i) and 5(ii) not be included in any grant of planning permission by An Coimisiún Pleanála.

It is further requested that ACP amend Condition 6 to remove reference to a specific amount of money and instead require that the amount to be paid shall be agreed between the Planning Authority and the Developer on the basis of the Section 48 Scheme with an allowance being made to offset the costs borne by the developer in the provision of the Southern Access Road.



Appendix A – Sea Gardens, Phase 2: Appeal Design Statement prepared by Howells Architects.

