

File With

SECTION 131 FORM

Appeal No

PL-500165-WW

Defer Re O/H

☐

Having considered the contents of the submission dated/received **18/11/2025** from **Malachai Duddy** I recommend that section 131 of the Planning and Development Act, 2000 ^{be}/~~be~~ not be invoked at this stage for the following reason(s):

no re planning issues

Section 131 not to be invoked at this stage

☒

Section 131 to be invoked — allow 2/4 weeks for reply

☐

Signed

Joe Duddy

EO

Date

21/11/25

Signed

SEO/SAO

Date

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

EO

Date

Signed

AA

Date

12/1

()

Observation

Correspondence Coversheet

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

Observation Details

Latest Appeal Lodged Date
28/10/2025

Last Date for Receipt of Observations
24/11/2025

Correspondence Details

Correspondence Type
Observation

Received From
Malachai Duddy

Lodged On
18/11/2025

Validity
Valid

Valid OH Req
No

Issue
BP40 — English

Participant
Malachai Duddy

Representative
—

Response Date Applicable
☐

Number of Days Allowed
—

Keep Copy of Letter
☐

Return Docs
☐

Keep Envelope
☒

Comments
—

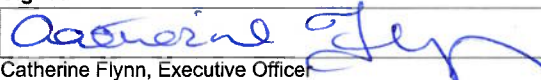
Filing

Attach to File
☐

Return to EO
☐

Signatures

Signed


Catherine Flynn, Executive Officer

Date

19/11/2025

Signed


Fadimie Khatipova, Administrative Assistant

Date

19/11/25

144

○



Planning Appeal Online Observation

Online Reference
NPA-OBS-005657

WW
Fee-pay-000484

Online Observation Details

Contact Name
Malachai Duddy

Lodgement Date
18/11/2025 09:56:10

Case Number / Description
500165

Payment Details

Payment Method
Online Payment

Cardholder Name
Malachai Duddy

Payment Amount
€50.00

Processing Section

S.131 Consideration Required

☐ Yes — See attached 131 Form

☐ N/A — Invalid

Signed

EO

Date

Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG—

Reason for Refund

Documents Returned to Observer

☐ Yes ☐ No

Request Emailed to Senior Executive Officer for Approval

☐ Yes ☐ No

Signed

EO

Date

Finance Section

Payment Reference

ch_3SUIduB1CW0EN5FC1ypwu491

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

File With

SECTION 131 FORM

Appeal No

ABP—

Defer Re O/H

Having considered the contents of the submission dated/received
from I recommend that section 131 of the Planning
and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

Section 131 not to be invoked at this stage.

Section 131 to be invoked — allow 2/4 weeks for reply.

Signed

Date

EO

Signed

Date

SEO/SAO

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

Task No

Allow 2/3/4 weeks

BP

Signed

Date

EO

Signed

Date

AA

Observation re Wicklow County Council Planning Ref. 25.60207:

An Coimisiún Pleanála Ref. PL27.500165: from Cllr. Malachai Duddy, B.L., M.C.C.

As a local representative for the people of Bray, I would like together with other councillors to make the following Observation regarding the above Grant of Permission by Wicklow County Council to Shankill Property Investments for Phase 2 of their development on the former Bray Golf Club lands.

This current application contains a 2 hectare public park, promised by the developers as part of their overall plan for the site. My concern is that this park will be located in a Flood Zone B. and the developers have made it plain in their published MasterPlan that they will then consider their obligation regarding such open space as fulfilled. Their stated intention is to apply in their final application for permission to put their highest density housing on the remainder of their site, which is a Flood Zone A.

By swapping that 2ha park from the higher ground with some of the high density building proposed for the floodplain, it would make both present and future residents of the Dargle River area much safer in case of a failure of our flood defences – without losing a single housing unit from the proposed development. This proposal, put to me by numerous constituents, seems to be a win-win solution, particularly with foreseeable rising sea levels as a result of climate change.

I am advised that it is also in accordance with planning law, as per the Flood Risk Management Guidelines. This application cannot be seen merely as a stand-alone, rather than part of the above MasterPlan. Its consequence for the publicly stated plans for the floodplain on this site cannot be ignored, nor its implications for Wicklow's proposed sustainable transport bridge either.

The latter Part VIII proposal has been in existence since July, 2021, yet it has still to be put to Wicklow's elected members for debate, much less a vote, despite being a reserved function of County Council members. This is worrying as local community groups, *who have been refused permission to address the full Council with the officials present*, have consistently pointed out major and worrying flaws in this plan to their local councillors.

They have also contacted us to point out that 53 objections were validly submitted to our Council. Most of them outlined concerns about flood risk, the danger to our wildlife, particularly our mute swan colony, the damning Road Safety Audit that accompanied the Council's proposal for this bridge, and the fact that this proposal would divert public transport to a private development, while bypassing the town centre. Yet the only one of these issues to be addressed in any way in the subsequent Freedom of Information request to the applicant was traffic. On the other hand, the applicant was requested to specify how their plans would tie in with the proposed, unauthorised bridge, for which an Environmental Impact Assessment and Natura Impact Statement – both mandated by the Courts several years ago, have not yet been completed.

Constituents have consistently highlighted their view that the close connection demonstrated between Wicklow County Council and the applicant with regard to their joint plans constitutes a conflict of interest for Wicklow County Council as the planning authority in this case. I find my constituents arguments convincing, both morally and legally, and furthermore believe that it is not enough for justice to be done regarding their well-argued concerns, it is also vital that justice be seen to be done.

For all of the above reasons, I support the arguments presented to us by them regarding prematurity, as follows:

- It is premature to grant permission for Phase 2. of the applicant's proposed development while Phase 1.a. is the subject of a Judicial Review.
- It is premature to grant permission for a *Phase 2. that includes the only substantial open space in the MasterPlan, before Phase 3. – on a Flood Zone A. – is addressed.*
- It is premature to judge flood risk in this area while a review is being carried out of MR010 by CFRAM. This will be the first flood risk assessment carried out by the Office (OPW) of Public Works since the flood defence works were completed on the Dargle River. JBA Ireland Engineering Consultants were appointed by the OPW in February 2024 to develop flood maps for Bray as part of Map Update – Bundle I project, and we have been informed that the survey for Bray has been completed, with the hydrological assessment currently under way. *The latest estimate received from the OPW for publication of a Flood Map of Bray by CFRAM is Q4. of this year.*
- It is premature of Wicklow County Council, and suggests a serious conflict of interest, to insist on specific details of how the applicants' plans will tie in with a Part VIII proposal that has not yet been put to Councillors for debate and a subsequent vote, particularly as that proposal appears to raise arguments of seriously flaws.

Finally, according to the Flood Risk Management Guidelines at:

3.1.4. Where development is necessary in areas at risk of flooding an appropriate land use should be selected.

3.1.7. Land required for current and future flood management, e.g. conveyance and storage of flood water and flood protection schemes, should be pro-actively identified on development plan and LAP maps and safeguarded from development.

5.26. It is recognised that flood map data sets, predictive models of flood risk and a strategic assessment of the flood risks across a county or city area may not have been undertaken at the time that a planning decision is required. This does not mean that the sequential approach should not be applied or that a Justification Test need not be undertaken. A precautionary approach should be applied, and either the application should be refused on grounds of prematurity *where a review of a development plan is imminent* or a flood risk assessment should be undertaken, and the Justification Test applied following advice in paragraphs below."

The 'advice below' is set out first for: 'Assessment of major proposals for development in areas of flood risk pending implementation of these Guidelines', which obviously applies to this application. It says:

"Where the information is not sufficient to fully assess the issues involved, the development should not be approved on the basis of flood risk and / or on the grounds of prematurity prior to addressing flood risk as part of the normal review of the development plan for the area."

As a number of Local Area Plans have been completed yet the 2025 Bray Local Area Plan is pending presumably now at Draft stage, I believe that this development should be refused on the basis of both flood risk and prematurity, particularly as it includes a 2 hectare public park that should clearly be reserved for the floodplain on this site, thus enabling a greater number of safer housing units within this Phase 2. application.

Signed: Malachai Duddy

Wicklow County Councillor for Bray Municipal District

Address: c/o Comhairle Chontae Chill Mhantáin,

Áras an Chontae,

Na Geataí Bána,

Baile Chill Mhantáin,

Co. Chill Mhantáin A67 FW96

Date: 17.XI.2025

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