

File With

SECTION 131 FORM

Appeal No

PL-500165-WW

Defer Re O/H

☐

Having considered the contents of the submission dated/received **20/11/2025** from **Owen Mc Nstry and Sarah Sheppard** I recommend that section 131 of the Planning and Development Act, 2000 ~~be~~ not be invoked at this stage for the following reason(s):

no in planning team

Section 131 not to be invoked at this stage

☒

Signed

Les Pivney

EO

Signed

SEO/SAO

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

☐

Date

28/11/28

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

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Wicklow

FEE-PAY-000541.



S.37

File With

SECTION 131 FORM

Appeal No

ABP— 500165-WW

Defer Re O/H

Having considered the contents of the submission dated/received 20/11/25
from Owen McNulty Sarah Deegan I recommend that section 131 of the Planning
and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

no in planning issues

Section 131 not to be invoked at this stage.

☒

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

Signed

Date

26/11/25

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



An
Coimisiún
Pleanála

Planning Appeal Online Observation

Online Reference
NPA-OBS-005678

Online Observation Details

Contact Name
Owen McNestry

Lodgement Date
20/11/2025 15:03:19

Case Number / Description
500165

Payment Details

Payment Method
Online Payment

Cardholder Name
Owen McNestry

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_3SVZOFB1CW0EN5FC0uRI6pbm

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

Observations of Owen McNestry and Sarah Sheppard, occupants of 1 Dwyer Park, Bray, Co. Wicklow on appeal number PL 27 500165 (planning application number 2560207)

We are the occupants of 1 Dwyer Park, Bray, Co Wicklow. The proposed development would be directly behind our house.

In general, we are supportive of this site, which has been vacant for some time, being developed. We are particularly supportive of the site including higher density housing, which helps to address the urgent issues of housing shortages and climate change. Development of the site is positive for the area and for wider public policy objectives. However, it is both desirable and legally required for this to be balanced against proper planning and sustainable development in the area.

With that in mind, we make the following observations on the appeals submitted.

The destruction of groups of mature trees

A number of the parties to the appeal raise concerns related to the impact of the proposed development on biodiversity. We would like to add the following.

We note that all mature trees in the site were judged to be "of poor quality" in the tree report and it was on this basis that the planning authority was satisfied of the proposals to destroy the trees. As we pointed out in our observation on the application, however, the conclusion in the applicant's report was based on landscaping/aesthetic grounds rather than biodiversity ones. The proposed destruction of these trees groups contravenes CPO 17.18, 17.20 and 17.22 of the Wicklow County Development Plan.

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

CPO17.20 Development that requires the felling of mature trees of environmental and/or amenity value, even though they may not have a TPO in place, will be discouraged.

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

The Environmental Impact Assessment for the site notes that "the greater part of the site is of low ecological value", making the preservation of these tree groups even more important. The biodiversity value of a group of mature trees and associated undergrowth is hugely significant, particularly in the context of Little Bray (very few mature tree groups in the area). Since the golf club was sold in 1999 the trees and undergrowth have been allowed to mature naturally:

undergrowth has developed, tree limbs have broken off and rotted, allowing insects to live in them, which in turn brings birds and small mammals to feed on them. This has produced a site with huge biodiversity value: a real rarity in an urban setting. A site like this simply cannot be replicated with landscaping and tree-planting.

Any proposed replacement trees would be young, manicured trees that have their bases treated with herbicide. It would take decades before they get to any significant size and undergrowth would never be allowed to develop: the loss in biodiversity would be permanent.

From a landscaping perspective, we note that, despite these tree groups being graded as "poor quality", again, there are very few mature trees in Little Bray, so in the local context they have a high value from a landscape and visual perspective. Again, any replacement trees would take decades to attain any significant landscaping value.

We would like to see as many as possible of these groups of mature trees retained and incorporated into the public open spaces in any development on these lands. They could be enhanced by newly-planted trees but should at very least be retained until any new trees come to maturity. The recent development at Shanganagh Castle housing estate provides a good model for this, with a pond and mature trees providing a centre around which the public open space was developed.

The section of the planner's report dealing with trees (at page 36) does not address these matters.

Traffic and transport

A number of appeals, in particular that of the Dargle Area Residents Association, raise concerns relating to the impact on traffic in the area. We would add the following.

The site is within a short walk of the town centre, the seafront and many existing and planned public transport amenities. Further amenities, and other residential areas of Bray, are within cycling distance. This is detailed extensively in the applicant's Traffic and Transport Assessment Report. We are strongly supportive of locating high density housing such as this in such a location. This has obvious benefits for both amenity of residents and the wider objectives of combatting traffic congestion and, ultimately, climate action.

However, these benefits are completely undermined by the high number of parking spaces proposed under the plan. The plan proposes a total of 532 parking spaces (to include 425 residential parking spaces, 25 spaces for visitors of residents, and 82 spaces for commercial use). The site can, and should, be structured in such a way that most, or at least a significant minority of, households will not own a car but will instead use sustainable transport with occasional use of car sharing where needed.

Of particular concern are the 82 spaces marked for commercial use. The site's location means not only that it is easy for residents of the site to reach places by means of sustainable transport, but also that there is no reason for most people to visit the site for use of the commercial sites by car. A very small number of parking spaces could be provided for those who really need to travel there by car. It should be noted that there are at least 4 existing large car parks within a 10-15 minute walk of the site (at the seafront, Bray Central, Herbert Road, and beside the Primary Care Centre).

It is incumbent on the Council to promote sustainable transport (public transport, bike and walking), as per Chapter 12 of the County Development Plan, by any residents of the proposed development and people visiting it.

More effectively managing vehicular traffic and car parking in town and village centres to make public transport, walking and cycling more attractive option for availing of town / village centre services (County Development Plan, Chapter 12, p.1)

Enhancing the built environment by fostering more sustainable and compact development patterns, reducing car and car parking dominance, and improving safety for pedestrians and cyclists (Ibid, p.2)

12.4 Parking Parking policy is an important element in an authority's overall planning and transport policy. The level of car parking provided, its location, fee structure and enforcement levels can all have a considerable effect on car use and traffic flow patterns. The availability of convenient and affordable parking in an area can influence people's decision on their mode of travel and has the potential to be a powerful travel demand management tool. An offstreet parking policy should recognise the role that the provision or otherwise of additional parking spaces can play in encouraging or discouraging travel by car. If demand management policies are being implemented then a reduction in the number of parking spaces may be desirable in congested urban areas with parking enforcement. Planning policy may seek to limit the number of parking spaces provided for in new developments. (Ibid, p.6)

We note the applicant's submission at section 6.6 of the Traffic and Transport Assessment Report in relation to car parking, setting out how the number of car parking spaces is below the maximum numbers in the Wicklow County Development Plan. However, a number of points can be made. To begin with, there is an error in the following statement:

"The proposed residential parking total (450 spaces) is significantly below (55%) the Wicklow County Development Plan standard (998 spaces)."

However, the figure of 998 spaces is inclusive of the permitted number of spaces for the residential and commercial components of the plan combined. The maximum number permitted for the residential component is 507. This means that the number of residential spaces is 89% of the maximum permitted. The number of spaces should not be anywhere close to the

maximum permitted, given the nature of the site. It is very possible to live in the area without owning a car; indeed, the 2022 census showed that, in the Small Area in which the lands are situated, around a quarter of households do not own a car.

Unfortunately the decision of the planning authority did not adequately address this point. In the section addressing the number of parking spaces (at page 40), the planner's report appeared to treat the figure of 507 as a minimum, rather than a maximum as is required by the County Development Plan for a site of this nature.

We feel that the addition of these cars to the area will add to already unsustainable levels of traffic congestion in the town and have a detrimental effect on the Council's climate objectives. We would ask that the number of parking spaces be significantly reduced. This may go some way towards ameliorating the traffic impacts described in some of the appeals.

Related to traffic and mobility issues, we would refer to the issue of pedestrian and cycle access to the development to and from Dwyer Park (erroneously referred to as O'Dwyer Park in the planner's report). We are strongly in favour of this access being provided for. It will allow residents of Dwyer Park, particularly children, to safely access the schools located beside the development, as well as the public park, without having to travel via the busy main road. The planner's report (at page 40) indicates that this access is supported due to the objective of permeability. However, it appears from the developer's material that there will be gated access only at this location- in other words, Sea Gardens residents will be able to use Dwyer Park to access the site, but other members of the public, including Dwyer Park residents, will not. This is anathema to the objective of permeability. A condition should be added that access at this point should be possible for all members of the public, rather than gated access.

Finally, as a more general point, a key aspect of this site is the location of two large schools adjacent to it. The schools are located such that it is not possible to access them without crossing the land in question. It is therefore of pivotal importance that the needs of children attending the school are taken into account when considering the road layout, etc. It is also important to bear in the impact the schools have on the movement of vehicular, pedestrian and cycle traffic in the area.