Gerard I. Lambe
Solicitor

13 Clarinda Park North, Dun Laoghaire, County Dublin A96AK66

AN BORD PLEANÁLA
LDG- 042319-21
ABP-
06 AUG 2021
Fee: € 220 Type: cheque
Time: 16:30 By: courier

An Bord Pleanala,

64 Marlborough Street,

Dublin, 1

D01 V902

6th August 2021

Re: My Client: Denis O'Sullivan, 3 Florence Terrace, Bray, County Wicklow

Re: Referral in respect of Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended).

Dear Sir or Madam,

I act on behalf of my above client.

Section 5 Referral of a Declaration by a Planning Authority

Pursuant to section 5(3)(a) of the Planning and Development Acts 2000-2021 ("*the Act*"), I refer the declaration made by Wicklow County Council ("*the council*") on 14 July 2021 pursuant to section 5(2)(a) of the Act to An Bord Pleanála. Please find attached my client's application form for the declaration, the council's declaration, other documents which might be helpful to An Bord Pleanála in considering this referral, and €220 being the prescribed fee for the making of this referral.

THE PERMISSION THAT IS THE SUBJECT OF THIS REFERRAL

Following perusal of the council's website's entries relating to this development the following are referenced:

Email: legal@gerrylambesolicitor.ie Telephone: 2809663 VAT No: 4680907K

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On or about 19 October 2018 an application was made for the permission that is the subject of this referral: a building containing, *inter alia*, 71 apartments. The council assigned planning register reference number 18/1166 to this application. On or about 5 December 2018 the council requested further information, which was provided on or about 21 December 2018. On or about 23 January 2019 the council made a decision to grant permission for the development subject to 17 conditions, the material one for this referral being condition 5. Condition 5 of the permission says (emphasis in original):

> ***Before any development commences,*** *the applicant or any other person with an interest in the land to which the application relates shall enter into an agreement with the Planning Authority in accordance with the County Development Plan and in accordance with Section 96 of the Planning & Development Act 2000, as amended.*
>
> *REASON: In the interest of proper planning and sustainable development, and having regard to the objectives of the County Development Plan and the Housing Strategy.*

On or about 4 March 2019 the permission was granted. On 12 August 2019 the council received a commencement notice. It is not clear when the condition 5 agreement was made, but it is assumed that the agreement was made prior to the lodgement of the commencement notice, in accordance with section 96(2) of the Act. A letter dated only "2020," apparently written by Joe Lane of the council's housing department, says:

> *I wish to confirm that agreement has been reached with Glenveagh Homes Ltd. for the provision of 7 units in respect of development at Dargan Hall, Adelaide Road, Bray, Co. Wicklow, Planning Register Reference 18/1166 refers.*
>
> *Furthermore, I wish to confirm that Condition No. 5 of PRR 18.1166 has been complied with.*

You will find copies of the grant of permission, its conditions and this letter in the documents that enclosed herewith at **Number: 1.**

CONDUCT SUBSEQUENT TO THE GRANT OF PERMISSION

The works were completed in 2020. However, in or about the 29th September 2020, subsequent to the completion of the development but prior to its use as a residence, my client read in the *Wicklow Times* that the number of apartments in the development that were for social and affordable housing was increased from 7 (less than 10% of the total) to

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71 (100% of the total). You will find a copy of this article in the documents enclosed at **Number: 2.**

In or about May and June 2021 my client engaged in correspondence with the council in which the council confirmed that it had made the change as identified in the newspaper article, and said that no new permission was required for this change. You will find copies of correspondence exchanged with the council in the documents enclosed at **Number: 3.**

MY CLIENT'S REQUEST FOR A DECLARATION

On or about the 28th June 2021 my client sent his request for a declaration to the council. In that request he wrote:

> *In or about September 2020, the council entered into an agreement with a person whose identity is unknown to me whereby all of the 71 apartment units built at Dargan Hall, Station Road, Bray, Co Wicklow pursuant to the permission for development bearing planning register reference number 18/1166 were provided to the council for social and affordable housing. This agreement changed the earlier agreement made in compliance with condition 5 of the said permission significantly: the earlier agreement provided for the provision of 7 units. Does this new agreement and resulting change to condition 5 of the said permission amount to development?*

In making such request he indicated to the council that he was relying on the following provisions of the Act:

a. section 5, which provides for the making of the request and this referral;

b. section 32, which obliges prospective developers to obtain permission;

c. section 34, which sets out how permission is granted;

d. section 96, which distinguishes social and affordable housing from other housing;

? e. section 146A, which sets out how certain amendments to permissions may be made (in case the council alleged that it had amended the permission); and

f. section 151, 152, 153, 154, 158, and 160, which address the enforcement of unauthorised development.

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He also indicated that he was relying on the following provisions of the Planning and Development Regulations 2001 – 2021 ("*the Regulations*"):

a. Articles 132B and 132C, which provide for certain mandatory steps that the council and An Bord Pleanála must take upon receipt of a section 5 request/referral; and

b. Article 169, which provides for the fee that he paid to the council in making the request.

THE DECLARATION

On or about the 15th July 2021 my client received the council's declaration dated 14 July 2021. It says:

> *A question has arisen as to whether or not a change of use of the residential units permitted under PRR 18/1166 from 10% Part V units (i.e. 7 units) to 100% Part V units (i.e. 71 units) is or is not exempted development.*

It is suspected that this passage contains a typo: he did not ask whether such a change is exempted development, rather he asked whether it is development. The declaration continues:

> *Having regard to:*
>
> - *The details received with this Section 5 application (EX 37/2021) on the 28th June 2021.*
> - *Planning Register Reference 18/1166*
> - *Sections 2 and 3 of the Planning & Development Act 2000 (as amended)*
> - *Section 96 of the Planning & Development Act 2000 (as amended) and Wicklow County Council Part V Policy*

Thus, according to its declaration, the council did not have regard to sections 5, 32, 34, 146A, 151, 152, 153, 154, 158, and 160 of the Act, or to articles 132B, 132C, and 169 of the Regulations. The declaration continues (emphasis in original):

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Main Reasons with Respect to Section 5 Declaration:

A development comprising of 10% of Part V units (whereby 7 of the 71 permitted units are for Part V housing) provides for the housing needs of the general population.

A development comprising of 100% of Part V units (whereby 71 of the permitted 71 units are for Part V housing) provides for the housing needs of the general population.

Both types of accommodation provide for the housing needs of the general population. The type of accommodation is the same, and the user group is the same.

Therefore there is no material change of use and "development" is not carried out.

*The Planning Authority considers that a change of use of the residential units permitted under PRR 18/1166 from 10% Part V units (i.e. 7 units) to 100% Part V units (i.e. 71 units) is **NOT** development.*

SUBMISSIONS ON THE QUESTION MY CLIENT PUT TO THE COUNCIL

It is submitted that the new agreement changing the number of apartments used for social and affordable housing to 71 – or any number other than 7 – is a new and different development from the one in the permission that is the subject of this referral. This is based on the following objective facts:

1. Condition 5 of the permission for development expressly states that an agreement for social and affordable housing must be made prior to the commencement of the development;

2. An agreement was so made, presumably before 12 August 2019 (otherwise it would not have been made in accordance with section 96(2) of the Act);

3. A new agreement was made subsequent to the commencement of the development (probably sometime in late 2020); and

4. This new agreement was made contrary to the express requirements of condition 5.

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One need not be concerned about the substance of an agreement when it is a condition for a permission for development: if an agreement is such a condition and that agreement is broken, there is non-compliance with the condition, which in turn results in non-compliance with the permission. Where there is non-compliance with a condition, there is no permission. Carrying out such a development would be a new and different development requiring a new permission. Absent such a new permission, that new development would be unauthorised development.

The primary stated reason for the council's decision in its declaration that the change from less than 10% of the apartments being used for social and affordable housing to 100% of the apartments being used for social and affordable housing is not development is because "... [b]*oth types of accommodation provide for the housing needs of the general population. The type of accommodation is the same, and the user group is the same.*" This reason is demonstrably flawed because the council failed to recognise that apartments set aside for social and affordable housing and those that are not ***are*** for different user groups.

Notwithstanding the inherent vagueness in the council's use of the term "*user group*," it is submitted that the council's declaration that "*the user group is the same*" is factually incorrect. It is suspected that "*user group*" in this context is the person or persons occupying the apartments. In that case, the user groups are clearly not the same. It is submitted that Part V of the Act recognises the differences in opportunity between those who are able to afford market value housing and those who are not, and that it was enacted to address those differences. It is axiomatic that there is a difference between these "*user groups*."

A planning authority's requirements to provide social and affordable housing is based in part on its housing strategy, which differentiates between "... *persons who have different levels of income* ..." (section 94(3)(b)), "... *the special requirements of elderly persons and persons with disabilities* ..." (section 94(3)(c)), and "... *persons of different social backgrounds* ..." (section 94(3)(d). *A fortiori*, the most salient distinguishing feature of those eligible for social and affordable housing and those who are not is the financial ability to pay market value for housing. Accordingly, contrary to what the council alleges, the "*user group*" of those who are eligible for social and affordable housing is not the same as those who are not.

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SEGREGATION

Social and affordable housing is an emotive issue and the Oireachtas acknowledges this sensitivity. It is submitted that avoiding segregation is a primary objective. For example, section 94(3)(d) of the Act provides that housing strategies must take into account "*... the need to counteract undue segregation in housing between persons of different social backgrounds ...*" and section 95(1)(d) of the Act provides for certain measure to be taken by planning authorities "*... to counteract undue segregation in housing between persons of different social backgrounds.*" Additionally, section 19(4)(a) of the Housing (Miscellaneous Provisions) Act 2009 says: "*In performing its* [social housing support] *functions ... a housing authority shall have regard to its housing services plan and the need to ... counteract undue segregation in housing between persons of different social backgrounds ...*".

Contrary to these provisions, the new agreement to increase the number of apartments used for social and affordable housing from under 10% to 100% is an exercise in segregation that the Oireachtas clearly intended to prevent.

CONCLUSION

For the foregoing reasons, it is submitted that the new agreement providing for an increase in the number of apartments used for social and affordable housing results in a breach of condition 5, which is development.

Yours faithfully,

Gerard I. Lambe

Gerard I. Lambe
Solicitor

ENCLOSURES

Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

APPLICATION FORM FOR A DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING & DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT

1. Applicant Details

(a) Name of applicant: Denis O'Sullivan

Address of applicant: 3 Florence Terrace, Florence Road, Bray, County Wicklow

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____

Address of Agent: _____

_____

Note Phone number and email to be filled in on separate page.

3. Declaration Details

i. Location of Development subject of Declaration:

Dargan Hall, Station Road, Bray, County Wicklow.

ii. Are you the owner and/or occupier of these lands at the location under i. above? Yes/ No.

Answer: **NO.**

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier:

Presumed to be applicant, Glenveagh Homes Limited, as per planning application register reference number 18/1166.

iv. Section 5 of the Planning and Development Act provides that: If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration.

In or about September 2020, the Council entered into an agreement with a person whose identity is unknown to me whereby all of the 71 apartment units built at Dargan Hall, Station Road, Bray, County Wicklow pursuant to the permission for development bearing planning register reference number 18/1166 were provided to the Council for social and affordable housing. This agreement changed the earlier agreement made pursuant to condition 5 of the said permission significantly: the earlier agreement provided for the provision of 7 units. Does this new agreement and resulting material change to condition 5 of the said permission amount to development?

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration:

Planning and Development Act 2000 sections 5, 32, 34, 96, 146A, 151, 152, 153, 154, 158 and 160.

Planning and Development Regulations 2001 articles 132B, 132C and 169.

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure)?

Answer: **No. However adjacent properties at Florence Terrace, Bray, are listed buildings.**

vii. List of Plans, Drawings submitted with this Declaration Application: None

viii. Fee of € 80 Attached? Yes.

Signed : Denis O'Sullivan Dated : FRIDAY JUNE 25TH 2021

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below:

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000 (as amended) there is a

certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

ADDITIONAL CONTACT INFORMATION
NOT TO BE MADE AVAILABLE WITH APPLICATION

Please note:

- **This page will not be published as part of the planning file.**

Applicant:

Telephone No	087 2720001
Email Address	*osullivan.denisj@gmail.com*
Fax No.	*N/A*

Person/Agent acting on behalf of the Applicant (if any):

Telephone No.	
Email Address (if any)	
Fax No. (if any)	

Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

14th July 2021

Denis O'Sullivan,
3 Florence Terrace
Florence Road
Bray
Co Wicklow

RE: Declaration in accordance with Section 5
of the Planning & Development Acts 2000 – 2011

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000 in respect of the following:

Exemption Ref. No: 37/2021

Applicant: Denis O'Sullivan

Nature of Application: a change of use of the residential units permitted under PRR 18/1166 from 10% Part V units (i.e. 7 units) to 100% Part V units (i.e. 71 units)

Location: Dargan Hall, Station Road Bray.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanala of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

Siobhán [illegible]

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Encl.

REG POST

Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000.

Applicant: Denis O'Sullivan
Location: Dargan Hall, Station Road, Bray

DIRECTOR OF SERVICES ORDER NO. 1229/2021

A question has arisen as to whether or not a change of use of the residential units permitted under PRR 18/1166 from 10% Part V units (i.e. 7 units) to 100% Part V units (i.e. 71 units) is or is not exempted development.

Having regard to:

- The details received with this Section 5 application (EX 37/2021) on the 28th June 2021.
- Planning Register Reference 18/1166
- Sections 2 and 3 of the Planning & Development Act 2000 (as amended)
- Section 96 of the Planning & Development Act 2000 (as amended) and Wicklow County Council Part V Policy

Main Reasons with respect to Section 5 Declaration:

A development comprising of 10% Part V units (whereby 7 of the 71 permitted units are for Part V housing) provides for the housing needs of the general population.

A development comprising of 100% Part V units (whereby 71 or the 71 permitted units are for Part V housing) provides for the housing needs of the general population.

Both types of accommodation provide for the housing needs of the general population. The type of accommodation is the same and the user group is the same.

Therefore there is no material change of use and "development" is not carried out.

The Planning Authority considers that a change of use of the residential units permitted under PRR 18/1166 from 10% Part V units (i.e. 7 units) to 100% Part V units (i.e. 71 units is NOT development.

Signed: Siobhán O'Brien.
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 14th July 2021

Gerard I. Lambe
Solicitor

NUMBER: 1

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Reference Number in Register: 18/1166

SCHEDULE

Pursuant to the Planning & Development Act 2000 (as amended), permission is hereby granted, having regard to the provisions of the Bray MD Local Area Plan 2018, to the nature and scale of the proposed development and to the brownfield nature of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area and would provide an acceptable standard of amenity for future residents. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

1. This permission refers to the development as described in the documents lodged as revised by details submitted 21st December 2018, save as the conditions hereunder require.

REASON: For clarification.

2. On street cycle parking shall be provided to the front of the proposed commercial units on Station Road. The number and location of the cycle parking shall be to the requirements of the Road Authority. A site plan drawing showing on street cycle parking shall be agreed in writing with the planning authority **prior to commencement of development**.

REASON: To provide on street cycle parking, in the interests of proper planning and sustainable development.

3. **Before development commences**, the developer shall pay the sum of **€484,648** (Four hundred and eighty four thousand, six hundred and forty eight 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 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.

4. **Prior to the commencement of any development**, the applicant shall lodge security with the Council for the satisfactory compliance with the conditions of this permission. This security is required by the Council for application at its absolute discretion if such conditions are not duly complied with to its satisfaction. In order to secure the return of this security, the applicant shall, on the completion of the development, submit a report from a suitably qualified professional (with professional indemnity insurance), certifying and showing through the submission of necessary documentation and photographs if appropriate, that all conditions have been fully complied with. The security shall be given by a lodgement with the Council of the sum of **€20,000** (twenty thousand euro).

REASON: To ensure satisfactory compliance with the conditions of this permission.

5. **Before any development commences**, the applicant or any other person with an interest in the land to which the application relates shall enter into an agreement with the Planning Authority in accordance with the County Development Plan and in accordance with Section 96 of the Planning & Development Act 2000, as amended.

REASON: In the interest of proper planning and sustainable development, and having regard to the objectives of the County Development Plan and the Housing Strategy.

6. (a) **Prior to commencement of development**, the written agreement of Irish Water shall be obtained for the provision of water services necessary to serve the proposed development.

(b) The granting of this permission by Wicklow County Council is in its role as a Planning Authority. It does not commit Wicklow County Council to the provision of any water services to serve the proposed development. Details of connections and the specification of materials to be used for the water services are a matter for Irish Water.

REASON: In the interests of clarification and proper planning and sustainable development.

7. All uncontaminated roof and surface water drainage shall be collected via a separate storm water system and attenuated on site and full design details satisfying the requirements of the Greater Dublin Strategic Drainage Study (GDSDS), shall be submitted for the written agreement of the Planning Authority. On no account shall surface water run-off be allowed to discharge onto the public road, to the public foul sewer or adjoining properties. In order to provide volume reduction and source control of pollutants, the submission shall include proposals for Sustainable Urban Drainage Systems (SUDS) in compliance with GDSDS requirements. All SUDS proposals must include provision for emergency overflow should unforeseen ground conditions limit their efficiency. For maintenance and ecological reasons, no piping or closed culverting of watercourses is acceptable except in the case of a road crossing

REASON : To ensure satisfactory storm water drainage in the interest of proper planning and sustainable development

8. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

REASON: In order to safeguard the amenities of property in the vicinity

9. **Before development commences**, a full and detailed construction management plan shall be submitted to and agreed in writing with the Planning Authority, which shall include, inter alia, a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures (including details of a truck wheel wash at the site entrance) and details of construction lighting. A Construction Manager shall be appointed to liaise directly with the various sections of the Council.

REASON: In the interest of residential amenity, traffic/ pedestrian safety and proper planning and sustainable development.

10. **Prior to commencement of development**, proposals for an apartment numbering scheme and associated signage shall be submitted to the Planning Authority for agreement.

REASON: In the interest of orderly development.

11. A single management company shall be established with the entire responsibility for the maintenance and repair of all infrastructural services and facilities necessary for the development including footpaths, public lighting, maintenance and repair of common areas and the management of car-parking areas. Details of such a legal body, which shall be incorporated **before any development commences** shall be agreed in writing with the Planning Authority.

REASON: In the interest of proper planning and sustainable development, public health, safety and amenity.

12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

REASON: In the interest of orderly development and the visual amenities of the area.

13. The final design of the vehicular entrance to Adelaide Road shall be agreed in writing with the Planning Authority **prior to commencement of development**, and to the specifications of the Roads Authority.

The entrance shall be delineated with a level crossing.

REASON: In the interests of traffic safety

14. Landscaping shall be carried out in accordance with the submitted landscaping scheme and shall be carried out before or during the first planting season or part thereof occurring after the occupation of the premises. Any plants which become seriously damaged shall be replaced by other of similar size and species.

REASON: In the interests of visual amenity and proper planning and sustainable development.

15. The 35No. Parking spaces proposed for the use of the residents shall be used only by the occupiers of the apartments and all necessary measures to restrict the use shall be implemented.

REASON: To ensure the proposed residential parking spaces are used by and available at all times to the occupiers of the proposed apartments.

16. **Prior to the commencement of development**, full details of all noise abatement/mitigation measures to be incorporated into the design of the apartments and the associated landscape courtyard shall be submitted to and agreed in writing with the Planning Authority. Such measures shall be designed having regard to the location of the proposed development adjacent to a major urban Transport Interchange.

REASON: In the interest of residential amenity and proper planning and sustainable development.

17. **Prior to commencement of development**, full details of all necessary loading/unloading bays to service the proposed commercial /retail units shall be submitted to and agreed in writing with the Planning Authority. The loading/unloading bays shall be located in accordance with the requirements of the Road Authority. No loading/unloading bays shall be located on Station Road to east of the proposed development.

REASON: In the interests of proper planning and sustainable development and to ensure that deliveries/collections to/from commercial /retail units are facilitated such that Station Road is not used for deliveries/collections.

Comhairle Contae Chill Mhantáin
Wicklow County Council
Tithíocht - Housing

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20120
Faics / Fax: (0404) 67792
Rphost / Email: housing2@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

2020.

Glenveagh Homes Ltd.
Block B
Maynooth Business Campus
Maynooth
Co. Kildare

RE: PART V AGREEMENT – GLENVEAGH HOMES LTD. AND WICKLOW COUNTY COUNCIL
DARGAN HALL, ADELAIDE ROAD, BRAY, CO. WICKLOW
PLANNING REGISTER REFERENCE: 18/1166

Dear Sir/Madam,

I wish to confirm that agreement has been reached with Glenveagh Homes Ltd. for the provision of 7 units in respect of development at Dargan Hall, Adelaide Road, Bray, Co. Wicklow, Planning Register Reference 18/1166 refers.

Furthermore, I wish to confirm that Condition No. 5 of PRR 18/1166 has been complied with.

I am to advise that while the above condition has been complied with it does not necessarily imply that all other conditions relating to the permission have been complied with.

Yours faithfully

Joe Lane
Director of Services
Housing & Corporate Estate

Gerard I. Lambe
Solicitor

NUMBER: 2

Entire apartment complex to be leased for social housing

All of the 71 units in a new apartment complex currently under construction on Adelaide Road in Bray will be leased to Wicklow County Council for social housing, Wicklow Times understands.

The six storey luxury building, which will contain 71 apartments, is being constructed opposite Bray DART station, on the site of the old Bray Cash & Carry.

Thirty-one of the apartments will be one-bedroom units, 38 will be two-bedroom, and two will be three-bedroom. Glenveagh Homes Limited is behind the development.

It was originally planned that only seven of the apartments would be for social housing. However, the Council will now take charge of all of the units for a period of 25 years under the new Enhanced Leasing Scheme.

Tenants will be nominated by Wicklow County Council, and the Council will be responsible for management of the units. Planning permission was granted in January 2019, and the current completion date is November 2021.

Speaking on the matter, Independent councillor Joe Behan said "While I welcome the news that a further 71 housing units will be provided for people on the Housing List in Bray, I am deeply disappointed that a private developer will ultimately benefit from hard earned taxpayers' money to provide public housing.

"This scheme guarantees the developer 25 years rental income and at the end of the 25 years the people who were living there will be evicted with no obvious entitlement to alternative housing. They will have to rely on the Council to look for alternative housing for them which will in turn push other people further down the housing list at that time. While 25 years may seem a lifetime away, if this scheme had been adopted in 1995, those tenants would be packing their bags today.

"This is the reality of handing over responsibility and funding for essential public housing to the private sector. Public money is handed out for private gain. What we need in this country is a properly organised and funded public housing action plan and task force to provide social and affordable housing to the hundreds of thousands of people who desperately need it. We have the resources but sadly, even after the many promises made in the recent general election, the new Government hasn't got the vison or the will to get this job done.

"I have deep concerns also about the lack of information and consultation afforded to the public and councillors about this project. Councillors were informed by phone message, followed by a brief email. We had no opportunity to discuss it, to ask questions about it or to find out exactly how much public money is being handed over in this deal. I would also like to know what facilities will be in this development for elderly and infirm tenants and what the arrangements will be for rents, repairs, insurance, etc.

"I will be raising these and other issues at the next Council meeting in Bray when I will expect to get full details to the many questions posed by this new venture to put public money into the hands of private property developers."

Jo Lynch, Sasha Maguire of Swim Ireland, Denise O'Shea of the Wicklow Sports Partnership, and Aine Kelly, at the one-mile swim event in Wicklow Harbour.

'NO FLOGGING OF DEAD HORSE'

Continued from page 1

Speaking at the meeting Cllr Crean said "We have to ensure that we send a message to the Government from a local level that the burden of funding this public health and economic crisis can't be carried by already financially stressed households. Local Authorities are seriously underfunded in Ireland and we can't be relying on an unfair tax to fill that funding gap."

Cllr Dermot O'Brien said he was "looking for a full 15% decrease to show that we as a council stand with the people". He described the LPT as "flogging a dead horse": "Any increase would just be doubling down on the people that are already suffering. In the public submissions, 67% wanted a reduction, 31% wanted no change and just 2% wanted an increase. It would be the ultimate insult to people to say that we know better than they do."

Cllr Joe Behan said he admired that "a number of councillors from Government parties are not willing to go along with the recommendation of council officials, and are willing to question the top table. This could be a turning point in the lifetime of the Council. We need to reduce the burden on people. The officials always present us with doomsday scenarios, but I have no doubt we can find the money to make up the shortfall."

Gerard I. Lambe
Solicitor

NUMBER: 3

---------- Forwarded message ---------
From: **Denis O'Sullivan** <osullivan.denisj@gmail.com>
Date: Thu, 20 May 2021 17:32
Subject: Alleged Material Contravention to planning permission Glenveagh homes
To: <planningadmin@wicklowcoco.ie>

Dear Rosemarie Dennison ,

I refer to your reply to my complaint dated 17th May 2021 which did not include a reference .

Upon reciept of this I contacted your office to clarify my concerns . As you were not available I was fortunate to speak with your associate Richard . As he could not access the file I did ask that he make a note of my call and include a brief synopsis of our conversation . You may already have this notation .

During our conversation Richard suggested that I follow your advice and forward a copy of my complaint to the Housing Department . As I had already spoken to the Housing Department , it was evident that this was not a matter for them because my complaint was not a matter of Social issue . My complaint in fact specifically related to the original permission granted to Glenveagh Homes and the material contravention that appears to have taken place . This if enforced by yourselves , would see the need for a fresh planning application and would then provide a platform to deal with other matters of concern . For this reason I would welcome your opinion on the matter of Material Contravention .

Richard asked where I got my information from and I told him the newspaper . Can I draw your attention to the Wicklow Times 29th September 2020 (page 3) noting the details and the added concerns of Councillors .
A meeting of Councillors was called and held with media excluded so there was no report on said meeting .

The contents of my complaint were both Technical and Legal .Apart from this my home was damaged during pre construction demolition and complaints to Glenveagh Homes were ignored . Also arising from this whole issue is the absence of Architectural guidelines and Architectural concern .

I would appreciate your attention to my complaint .

Regards
Denis O Sullivan

Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

RD/PC

Denis O'Sullivan,
3 Florence Terrace,
Bray,
Co. Wicklow.

11th June 2021.

Re: Planning Register Reference 18/1166 – Development at Station Road, Bray.

A Chara,

I refer to your correspondence regarding the above matter, in particular your recent query received by email on the 20th May 2021, which has now been examined.

It is the opinion of the planning authority that planning permission was granted for a residential development. The occupation of these dwellings as social housing does not result in a material of change of use.

Mise le meas,

Rosemarie Dennison,
Administrative Officer,
Planning Enforcement.