



An
Bord
Pleanála

Inspector's Report ABP-320184-24

Development	9 houses, 4 duplex units, new vehicular and pedestrian entrance, public open space, 22 car parking spaces, boundary treatments, new watermain connection and foul and surface water drainage.
Location	Westwings, Church Road, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2360305
Applicant(s)	Westwings Partnership Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Jerry Teehan and Others.
Observer(s)	None.
Date of Site Inspection	20 November 2024.
Inspector	Natalie de Róiste

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Appendix 1 – Form 1: EIA Pre-Screening

Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The site is roughly rectangular, 3 times as long as it is wide, measuring 0.33 ha, on the north side of Church Road, Bray, Co. Wicklow. It was formerly occupied by a twentieth-century dwelling house called Westwings, now demolished. It is a gently sloping site, with a rise of c. 4 metres from the rear boundary to the road boundary (c. 102 metres distance).
- 1.2. To the west, it adjoins the site of Cairness, a late-nineteenth-century former rectory, associated with Christ Church, the Church of Ireland Church across the road. To the east, it adjoins the site of Marino Community Special School, with single- and two-storey buildings. To the rear, it backs onto nos. 14-18 Rosslyn, two-storey houses in the Rosslyn housing estate. Directly across the road is the 2-hectare site of Rockbrae, formerly the FCA grounds, now vacant.
- 1.3. Church Road is a curved road, linking Vevay Road to Killarney Road in the inner suburbs of Bray. The site is c. 500 m from Main Street.

2.0 Proposed Development

- 2.1. The original proposal submitted was for 13 units (9 houses, 4 duplex units), with balconies and gardens, in two three-storey terraces. The unit mix was nine 4-bedroom units, two 3-bedroom units, and two 1-bedroom units. There were 22 car parking spaces, 390 sqm of public open space in two parcels. A new site entrance was proposed to the northern end of the road frontage. The density was 39 units per hectare.
- 2.2. The development as granted (following further information and clarification thereof, and readvertising) was 24 duplex units with balconies, in two three-storey terraces. The unit mix was 12 3-bedroom units, six 2-bedroom units, and six 1-bedroom units. There were 25 car parking spaces, 518 sqm of public open space in two parcels, and 205 sqm communal open space. The site entrance was as before. The density was 73 units per hectare.

3.0 Planning Authority Decision

3.1. Decision

Grant permission

3.2. Planning Authority Reports

3.2.1. Three planning reports; the first dated 9 November 2023 seeking further information; the second dated 31 January seeking clarification of further information, and the third dated 20 June 2024 recommending a grant of permission.

- Report dated 9 November 2023 set out the planning history, policies and objectives, and site context, noted internal reports and 3rd party submissions, and sought further information on 10 issues. These included the modest density of 39 units per hectare, the quality and quantum of public open space provided, overlooking, overshadowing, sightlines for vehicles, cycle parking, storage space, the large size of the proposed part V units, and the proposal for a private pumping station for waste water.
- Report dated 31 January 2024 noted the new Sustainable Compact Settlement Ministerial Guidelines had since come into effect, and the revised density (43 uph) fell short of the appropriate 50-100 uph range. The majority of the points of further information were deemed to have been dealt with, but clarification of further information was requested on 5 issues, including compliance with the density range and parking limits set out in the new ministerial guidelines, the excessive size of individual storage rooms, sightlines and roadside boundary details, and confirmation that Uisce Éireann are satisfied with the pumping station.
- Report dated 20 June 2024, noted the CFI response was deemed significant and the development readvertised; noted internal report from Municipal District Engineer, and additional 3rd party objection; was satisfied with the revised proposed density (73 uph), and considered the residential amenity and technical details satisfactory subject to conditions.

3.2.2. Other Technical Reports

- Housing and Capital Projects, 26 October 2023 – the proposed part V units are oversized, and as a result the council would not receive funding to purchase them. En-suites not required.
- County Fire Service, 3 November 2023 – conditions recommended in the event of a grant.
- Housing and Capital Projects, 24 January 2024 – revised proposed part V units acceptable in size, en-suites not required.
- Bray District Engineer, 5 June 2024 – concerns raised regarding parking layout, taking in charge, pumped drainage, compliance with SuDS. No recommendation made.

3.2.3. Conditions

- There were 26 conditions attached, largely standard conditions for new residential developments. Details were required to be submitted on a number of issues, including the design of the access, materials, boundary treatments, construction management, and naming and numbering.

3.3. Prescribed Bodies

- Uisce Éireann, 24 October 2023 – standard conditions recommended

3.4. Third Party Observations

Three third party observations were received, all objecting to the development. Two of these were from the appellants, Jerry Teehan and others, a group of residents of Rosslyn Court and Rosslyn; one dated 13 October 2023 on initial submission of the application, one dated 27 May 2024 following readvertisement. The third observation (dated 8 June 2024) was from the residents of 2 Rosslyn Court.

Issues raised were as follows:

- Excessive height, exacerbated by slope of site, and monolithic terrace
- Overlooking and impacts on privacy, particularly from balconies
- Overshadowing of gardens

- Insufficient separation distances between new development and existing properties to north
- Traffic hazard
- Proximity to protected structure
- Two-week submission period following readvertisement is inadequate and disadvantages third parties
- Previous grant of permission in 2010 (PL.39.233752 reg ref 09/28) for 6 houses more appropriate.

4.0 Planning History

14/2169 –extension of duration of permission PL39.233752 (09/630028), to 9 April 2020.

PL39.233752 (09/630028) permission granted for demolition of existing house and construction of 6 houses (reduced from 7).

ABP 228817 (07/630117) permission refused for two 4-storey apartment blocks with 38 apartments for two reasons relating to overdevelopment of the site, excessive overlooking, and traffic hazard where sight lines are restricted.

06/630216 – permission refused for one 4-storey apartment block with 42 apartments – visually obtrusive, overdevelopment, loss of trees – injures residential amenity, inadequate sightlines, car park access deficient, substandard apartment design, sewers and flood risk

5.0 Policy Context

5.1. Ministerial Guidelines

5.1.1. The following Section 28 Ministerial Guidelines are of relevance to the application:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023);
- Development Plans: Guidelines for Planning Authorities (2022);
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- DMURS (2019), and subsequent advice notes;
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.

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

- 5.2.1. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) for Dublin City and its wider suburbs. Bray is located within the MASP, designated as one of three 'Key Towns' (along with Maynooth and Swords), and located on the North-South Strategic Development Corridor. Key Towns are large economically active service and/or county towns that provide employment and high-quality transport links.
- 5.2.2. The strategy provides for the sustainable, compact, sequential growth and urban regeneration in the town core of identified Key Towns by consolidating the built footprint through a focus on regeneration and development of identified Key Town centre infill/brownfield sites.

5.3. Wicklow County Development Plan 2022-28

- 5.3.1. The County Development Plan (CDP) was adopted on the 12th of September 2022 and became effective on the 23rd of October 2022. *Section 1.2 Structure of the Plan* details that separate Local Area Plans (LAP) are in place for certain towns/areas including the Bray Municipal District, which will be reviewed after the adoption of the CDP.
- 5.3.2. Bray is designated as the Level 1 Key Town in the Core Strategy (Chapter 3), with a targeted population growth rate of c. 35% over the period of the plan. There is a target

of 4,026 additional housing units for Bray over the period of the plan; 48% of the total for the county (8,467).

5.3.3. The following policies and objectives are considered of particular relevance:

5.3.4. Chapter 2: Development Plan Strategy

Strategic County Outcome SCO1 Sustainable Settlement Patterns and Compact Growth: The delivery of compact growth in all towns and villages by capitalising on the potential for infill and brownfield development, moving away from a reliance on greenfield development and creating places that encourage active lifestyles is essential for the successful delivery of the development plan strategy.

5.3.5. Chapter 4: Settlement Strategy

CPO 4.2 To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

CPO 4.3 Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

CPO 4.5 To ensure that all settlements, as far as is practicable, develop in a self sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.

CPO 4.6: To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.

5.3.6. Chapter 6: Housing

Table 6.1 Density Standards sets out that within 500 m walking distance of a bus stop, or 1 km of a light rail/rail station, sites in large towns such as Bray should have a minimum density of 50 units per hectare.

CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

CPO 6.14 To densify existing built-up areas subject to the adequate protection of existing residential amenities.

CPO 6.15 Higher density proposals should be designed to a high standard, incorporate a mix of housing types and sizes and deliver compact urban forms that enhance the local built environment and contribute towards a sustainable mix of housing options. Proposals should provide an appropriate design response to the site, be designed to a high quality and afford adequate protection for residential amenity of neighbouring properties.

CPO 6.16 To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well designed high quality outcomes and public safety is not compromised and the environment is suitably protected.

CPO 6.21 In areas zoned 'Existing Residential' house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see CPO 6.25 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

CPO 6.22 In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously unserved, low density housing becomes served by mains water services, consideration will be given to

densities above the prevailing density, subject to adherence to normal siting and design criteria.

5.3.7. Chapter 7: Social & Community Development

CPO 7.35 Subject to safety considerations, natural features (trees, streams etc) shall be retained in new developments.

CPO 7.46 To require open space to be provided in tandem with new residential development (in accordance with the standards set out in the Development & Design Standards Appendix).

CPO 7.49 To require proposals for open space to include in their layout and overall design that will enhance and create greater biodiversity, in accordance with the objectives of Chapter 17 and 18 of this plan and the standards set out in the Development & Design Appendix.

5.3.8. Chapter 12: Sustainable Transportation

CPO 12.8 sets out standards for Electrical Vehicle charging points for new developments.

CPO 12.18 To facilitate the development of services and utilities for electric bikes.

5.3.9. Chapter 14: Flood Risk Management

CPO 14.13 Ensure the implementation of Sustainable Urban Drainage Systems (SuDS) in accordance with the Wicklow County Council SuDS Policy to ensure surface water runoff is managed for maximum benefit. In particular to require proposed developments to meet the design criteria of each of the four pillars of SuDS design; Water Quality, Water Quantity, Amenity and Biodiversity.

CPO 14.14 Underground tanks and storage systems shall be permitted as a last resort only where it can be demonstrated the other more sustainable SuDS infrastructure measures are not feasible. In any case underground tanks and storage systems shall not be permitted under public open space, unless there is no other feasible alternative.

5.3.10. Chapter 17: Natural Heritage and Biodiversity

CPO 17.20 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 17.21 To strongly discourage the felling of mature trees to facilitate development and encourage tree surgery rather than felling if such is essential to enable development to proceed.

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.

5.3.11. Chapter 18: Green Infrastructure

5.3.12. CPO18.8 To require the integration of Green Infrastructure principles and inclusion of native planting schemes in all development proposals in landscaped areas, open spaces and areas of public space.

5.3.13. Appendix 1: Development & Design Standards sets standards and guidance for car parking, bicycle parking, sight lines, waste storage, separation distances, open space, accessibility and design quality

5.4. **The Bray Municipal District Local Area Plan 2018-2024**

5.4.1. The Bray Municipal District LAP was adopted on the 14th of May 2018 and became effective on the 10th of June 2018. Under this plan, the site was zoned 'RE: Existing Residential' with the objective to 'protect, provide and improve residential amenities of existing residential areas'. The description of the zoning is as follows:

- *To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.*

5.4.2. This Local Area Plan has expired and not been extended. Pre-draft consultation on the preparation of a new plan commenced on 20 November 2024, to run until 18 December 2024.

5.5. Natural Heritage Designations

- Bray Head SAC (000714), also a proposed Natural Heritage Area – c. 1.3 km south-east.
- Ballyman Glen SAC (000714), also a proposed Natural Heritage Area – c. 2.0 km north-west.

5.6. EIA Screening

See completed Form 1 and 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal was received on 16 July 2024, from residents of Rosslyn and Rosslyn Court. The appeal is signed by residents of 1 and 2 Rosslyn Court (located to the rear of Marino School), and nos. 14-18 Rosslyn inclusive (located to the rear of the site itself). Issues raised were as follows:

- The Board should examine the original objections
- The Ministerial Guidelines have been misinterpreted, and should not be applied to a constrained site like this one
- Westwings is located on a busy road with a bad bend and a cycle lane, and the limited road frontage means adequate sight lines are not possible, and the proposed entrance (immediately adjacent to the Marino School exit) would be dangerous. The road is particularly busy with traffic to and from the schools

on Vevay Road. Traffic counts have been carried out and submitted with the appeal.

- The proximity to the protected structure is not appropriate
- Drainage infrastructure is inadequate – pumps and tanks are not acceptable to the Bray District Engineer, and the proposal has potential for odor and noise nuisance on neighbouring properties.
- The development would overlook 1 and 2 Rosslyn Court, and 14-18 Rosslyn Estate, with a loss of privacy. Trees to the rear of the site should be retained to address this.
- The permission issued in 2010 (PL.39.233752 reg ref 09/28, appended to appeal) was more appropriate.

6.2. Applicant Response

The applicant's response can be summarised as follows:

- The site is within the Metropolitan Town of Bray, and as such the density is required to comply with the Ministerial Guidelines. The revisions were undertaken at the request of the Local Authority. Previously permitted developments would be too low density (c. 23 uph). The layout, design, and scale are appropriate for the site.
- The existing boundary wall is going to be replaced with a new wall c. 500 mm further back, which will allow for adequate sightlines. Data on actual traffic speeds was obtained to ascertain what sight lines were required, rather than depending on the posted speed limit, and these sight lines have been achieved in the design. The access is designed in accordance with DMURS, and cars will have to stop completely before exiting, making it safer. The proximity to the school is beneficial, as existing road markings encourage road traffic to slow down.
- The pump for foul drainage is proposed because the site slopes upwards towards the road/main drain. The use of a pump is acceptable to Uisce Éireann, and they have confirmed this. There is no need for a diesel backup generator as a 24-hour emergency storage tank is provided in the event of

electrical failure. The manufacturer will arrange maintenance in the unlikely event that Uisce Éireann do not take ownership. Regarding surface water drainage, condition 16 is that details must be agreed with the Bray Municipal Engineer, and all alternatives that avoid pumping will be discussed and agreed with the Municipal Engineer.

- There are no undue impacts on Cairness or any protected structure, and the local authority planner's report found the development acceptable in this regard. The mature planting is being retained between the development and Cairness. No objection or appeal has been received from the owners of Cairness.
- The separation distance are adequate, and screen planting is proposed along the boundary with Rosslyn. There will be no undue impacts on privacy.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Density and Compliance with Ministerial Guidelines
- Impact on neighbouring residential amenity
- Amenity Space (new issue)
- Traffic Hazard and Road Safety
- Drainage

- Impact on built heritage

7.1. Density and Compliance with Ministerial Guidelines

- 7.1.1. The appellants state that nothing in the Ministerial Guidelines indicates that higher density should be pursued at the expense of proper planning and sustainable development, and that the guidelines are intended for unconstrained sites without the limitations of the Westwings site. The applicant notes that the density complies with the relevant guidelines and planning policy, and was sought by the planning authority.
- 7.1.2. The *Sustainable Residential Development and Compact Settlements* guidelines reiterate the National Planning Framework and the RSES priority of ambitious growth targets for cities and metropolitan areas, including delivering brownfield and infill development at scale within the existing built-up footprint. There is an emphasis on compact growth, and the provision of more houses and denser development in cities and towns in proximity to existing services and public transport.
- 7.1.3. Given the quantum of housing to be delivered within built-up areas (50% of housing growth in the 5 cities, and 30% of new housing in all other settlements), it appears clear to me that the Guidelines encouraging higher densities were adopted with sites such as this one, within existing settlements, in mind.
- 7.1.4. The Ministerial Guidelines set out appropriate density ranges for different areas of the country, with a further two-step process to refine density based on the site characteristics.
- 7.1.5. Bray is located in the metropolitan area of Dublin, and is classed as a 'metropolitan town'. It is a policy and objective of the Guidelines that in the centre and urban neighbourhoods of such towns, residential density in the range 50-150 units per hectare are applied.
- 7.1.6. This site is located 500 metres (a six-minute walk) from the Main Street of Bray, and as such, it falls under the heading of centre and urban neighbourhood.
- 7.1.7. Step 1 in refining density is considering the proximity to various transport services; this site is 1.4 km from Bray Dart Station, and 1.1 km from the proposed Castle Street bus stop for the Bray to City Centre Core Bus Corridor, and as such it is not

located close to a High Capacity Public Transport Node or Interchange. It is within 500 metres of both existing and planned high frequency urban bus services, with stops within 400 metres on Killarney Road, with busses currently timetabled every ten minutes (no 145) and proposed to be running every 8 minutes (E1) at peak hours. Additional bus stops c. 200 metres away on Vevay Road provide additional existing (45A, 45B, 84, 184) and proposed (L1 and L2) regular bus routes. As such, the site qualifies as an 'accessible location', and densities at or above the middle of the 50-150 uph range should be encouraged (subject to Step 2).

- 7.1.8. Step 2 in refining density is considering the character, amenity, and the natural environment of the site – consideration must be given to local character, historic environments, impact on natural heritage features, impact on amenity of neighbouring residential properties, and water supply and wastewater services.
- 7.1.9. In respect of the character of the area, the houses on Church Road, vary in date, appearance, height, plot size, and type. This road appears to have been laid out with the construction of the church in the 19th century, and initially gave access to a small number of large houses set in their own grounds; these large plots have been subdivided over the years, and a number of housing estates built. There is a considerable number of mature trees in the area. The backdrop of mature trees can help in assimilating new development, visually, although the retention of mature trees can reduce the amount of developable site area, and thus the density.

There are a number of protected structures on Church Road, as well as a number of early detached houses of heritage interest. The church is a prominent feature, and Cairness (the former rectory) is close to the boundary with the subject site. The school building and its play areas are in close proximity to the site, and the rear gardens of houses in Rosslyn adjoin the site boundary to the north.

In these respects the receiving environment is somewhat sensitive: a development at the upper end of the 50-150 uph scale might have overbearing visual impacts and constitute overdevelopment of the site; as such, I consider the proposed density as granted (73 uph) to be largely appropriate.

- 7.1.10. The appellants have referred to the permission for 6 houses granted in 2010 (PL.39.233752 reg ref 09/28) as a preferable development. That permission was granted under a different regulatory framework, predating the adoption of the

National Planning Framework (2018), the RSES (2019) the Climate Action Plan (2019), and DMURS (first edition 2013), as well as the recent Compact Settlement guidelines (2024) and the Development Plan (2022).

I am satisfied that the principle of an increased density of development on the site complies with national, regional, and Development Plan policy, subject to compliance with other policies and objectives of the Development Plan.

7.2. Impact on neighbouring residential amenity

- 7.2.1. The appellants have concerns regarding overlooking from the development as granted, and request that trees at the rear of the site are retained in the interests of privacy. The application drawings show the distances from the ground floor, first floor, and second floor as granted. The units to the rear of the site are three-storey duplex units, with four three-bed units sitting on top of four one-bed units. The second floor rear windows serve bedrooms and staircases, and are located between 23.9 and 27.5 from opposing first floor windows at Rosslyn and Rosslyn Court, and between 10.1 and 12.4 metres from the rear boundary.
- 7.2.2. At first floor level, there are bathroom and staircase windows, as well as living rooms with French doors giving onto balconies. The balconies are located between 21.6 and 25.3 metres from opposing first floor windows at Rosslyn and Rosslyn Court, and between 8.1 and 10.1 metres from the rear boundary, with the windows a minimum of 24 metres from opposing first floor windows, and 10.1 metres from the boundary. The living rooms and balconies would have greater impact on privacy and overlooking than the bedroom windows, due to the more active use.
- 7.2.3. The rear gardens of the appellants' properties are currently overlooked by the adjoining houses on either side of them, and as such there is a certain amount of existing mutual overlooking. The houses have never been overlooked from the south, with the Westwings site having previously had a single two-storey house located 30 metres from the boundary, angled towards the side boundary. The new development would increase overlooking impacts in comparison to the previous situation. However, given the location of the site close to the centre of Bray, its zoning for residential use, and Development Plan and national policy regarding the efficient redevelopment of infill sites to ensure compact settlements, an increase in

overlooking would appear to be inevitable. Given the distance of the new development from the boundary, the limited number of balconies (four) and living rooms (four) overlooking the rear gardens, and the inner suburban nature of the site, I consider the impacts acceptable.

- 7.2.4. I note that SPPR 1 of the Compact Settlement Guidelines has recently revised the established 22 metre back-to-back separation distance to a minimum of 16 metres, subject to a demonstration that amenity will not be unduly affected. The applicant has maintained a minimum of 22 metres back-to-back distance between the existing and proposed developments.
- 7.2.5. Regarding the trees to this boundary, the arboricultural report submitted with the application classified three of the four trees on this boundary as Category U (poor quality), with the fourth being category C2 (low quality and value). All four are Monterey Cypresses, with two being infected with a fungal pathogen. It is proposed to remove all four, and plant a variety of specimen trees as part of the landscaping of the open space to the rear. Given the poor condition of the trees, I consider the removal to be appropriate. I note Objective CPO 17.22, which requires the planting of native species and species of local provenance in all new developments, and objective 18.8, which requires native planting schemes. A condition should be attached to ensure appropriate species.
- 7.2.6. The appellants consider that the slope of the site exacerbates the impacts of the development on their properties, as they are located at the bottom of the hill that slopes down from Church Road to the rear of the site. I have considered the section drawings and site plans submitted, and visited the site. The site is not steeply sloping, and relatively flat at the north end. The majority of the development will not be visible from the appellants' properties, being hidden from view by the rear terrace.
- 7.2.7. The applicant has also submitted shadow analysis drawings showing overshadowing on the spring equinox. As the appellants' properties are due north of the subject site, they are vulnerable to overshadowing. There will be some additional overshadowing of the appellants properties – however, due to the relatively limited height of the development (three-storeys), and the setback from the boundary, the overshadowing will be transient, and the houses and gardens will continue to enjoy good sunlight as a whole.

- 7.2.8. On the whole, while the proposed development will have impacts on the appellants properties, I consider the impacts of the proposed development on neighbouring properties to be acceptable, and in keeping with the inner suburban context and the emerging character of the area.

7.3. **Amenity Space (new issue)**

- 7.3.1. The Wicklow County Development Plan sets out that public open space will normally be required at a rate of 15% of the site area, in areas of 200 sqm, with widths of greater than 10 metres for useability (Sections 3.1.4 and 8.5 of Appendix 1 Development and Design Standards). The plan sets out that own-door duplexes should have 10 sqm private open space for the first bedroom, and 5sqm per additional bedroom, and that communal open space and private open space for apartments should comply with the Ministerial Guidelines on apartments, *Sustainable Urban Housing*.
- 7.3.2. The Compact Settlement Guidelines note (as Policy and Objective 5.1) that Development Plans shall require 10-15% of a site area to be designated as public open space, and elsewhere note that apartments and duplexes shall be required to meet the standards for private and communal open space set out in the earlier Apartment Guidelines. As such, the development is required to provide 15% of the site area as public open space as set out in the Development Plan (495 sqm), 180 sqm of communal open space as per the apartment guidelines, and additional individual private open spaces for each unit, as per the apartment guidelines.
- 7.3.3. The applicant proposes public open space in part to the rear of the site (300 sqm to the rear, 218 sqm to the front), as well as 205 sqm of communal open space along the west boundary. I note that none of these areas complies with the standards set out for public open space in the Development Plan, as they are relatively narrow strips comprising residual space around the buildings, and none achieves the required 10 metres in width. That to the rear is approximately 6-8 metres deep, that to the front c. 6-7 metres at its widest.

The Development Plan notes in *Section 7.33 Leisure & Recreation* that Residential Open Space is public in the sense that there are no barriers to access, but its function is to provide for use principally by the residents of that development.

- 7.3.4. Having regard to this, I have no objection to the provision of 'public' open space to the rear of the rear terrace, deep within the site, a location which makes it more appropriate for semi-private open space rather than publicly accessible amenity space for the use of the general public.
- 7.3.5. The indicated communal open space is a long narrow area measuring c. 4 metres long by 45 metres long, and is largely the residual area left to the margin of the site to provide for protection of the tree belt and provide a setback from the neighbouring property. While this is an important function, it is questionable whether it provides an area of appropriate size or shape for amenity use (sitting out, children's play). The front and rear sections are a more useable shape (although not compliant with the Development Plan standards), and the Shadow Analysis submitted for March 2^{1st} indicates that there would be adequate sunlight.
- 7.3.6. I note the Development Plan sets out (both in Section 3.14 and Section 8.5 of Appendix 1) that the requirement for public open space can be waived in town centre developments, particularly where public amenity space is in close proximity – this site is adjacent to the town centre, but not in it, and is not in close proximity to any public amenity space. However, given the provision of private open space well in excess of the Ministerial Guidelines minimums – most units have twice the minimum – residential amenity would not be unduly affected by the lack of public open space in compliance with the Development Plan standards, and the limited amenity of the long narrow strip for communal amenity space. Given the small size of the infill site and its location, the provision of a greater area of open space for the wider public would not be practical.

Notwithstanding the acceptability of the proposal in terms of residential amenity on the whole, I consider the proposal to contravene Objective CPO 7.46 *To require open space to be provided in tandem with new residential development (in accordance with the standards set out in the Development & Design Standards Appendix)* as the development does not have any area of open space which complies with these standards, and to be a material contravention of the Development Plan.

- 7.3.7. Under Section 37(2)(a) of the Planning and Development 2000 (as amended) the Board may grant a permission that contravenes the Development Plan in certain

limited circumstances. I have assessed the development against the four criteria set out in Section 37(2)(b) below.

(i) *the proposed development is of strategic or national importance,*

The proposed development of 24 dwellings is not of strategic or national importance.

(ii) *there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

The Objective clearly states that open space is required to be provided in tandem with residential development, in accordance with the standards set out in Appendix 1. This Appendix has 2 relevant sections (3.1.4 Open Space, and 8.5 Residential Public Open Space). Section 3.1.4 states '*Spaces less than 10 m in width or 200 sqm in area will not be counted as useable public open space; nor will space that is excessively sloping or otherwise unsuitable for usage.*' I consider the objective clear and unambiguous.

(iii) *permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*

7.3.8. I consider this criteria relevant. The RSES designates Bray a key town within the Eastern and Midlands area, with sustainable compact sequential growth with regeneration of brownfield sites a key theme of the RSES. The Development Plan standard for open space is a county-wide standard, with no distinction made between infill brownfield sites close to the centre of a key town such as Bray, and edge of centre/greenfield/outer suburban sites, with the requirement for public open space being relaxed only in town centre developments. Although this site is not in the town centre, given the status of Bray within the RSES, and the location of the site in an inner suburb of Bray, I find a contravention of the standards on open space is appropriate, and permission should be granted for the development.

- (iv) *permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

- 7.3.9. I did not find any permissions granted in the area since the making of the development plan that were of relevance to this case. I note that the nearby development on Church Road known as The Friary had a quantum of public open space less than the minimum standard set out in the Development Plan. However, this was granted under the previous Development Plan (permission 16253, granted 2017).
- 7.3.10. The issue of open space was not raised in the appeal, and as such the applicant has not had an opportunity to address it in their response, and the Board may wish to seek the views of the parties.

7.4. Traffic Hazard and Road Safety

- 7.4.1. The appellants assert that the development would lead to traffic hazard, being located on a bad bend on a busy road with a cycle lane, immediately adjacent to the exit from the Marino School. The appellants have carried out a traffic count of vehicles going in each direction during school times (there are a number of schools on Vevay Road), with 150-200 vehicles per hour passing in each direction at the busy periods.
- 7.4.2. The proposed development as granted would provide a new boundary wall with railing, set 500 mm further back than the existing, and would locate a new vehicular entrance further east than the existing. This entrance is designed with pedestrian priority; ie, the footpath height remains constant, and the stop line and signage for vehicles is before the footpath. Vehicles exit the site in two phases, coming to a full stop before crossing the footpath, and again before entering the carriageway.
- 7.4.3. This new entrance provides a visibility splay with a Stopping Sight Distance (SSD) of 43 metres to the west, and 45 metres to the east, at a location 2 metres back from the carriageway (the X distance). The application drawings also show that cyclists approaching from the west would see cars emerging from the new junction from 53 metres away, and that drivers turning right into the junction would see oncoming cars at a distance of over 70 metres (and vice versa).

- 7.4.4. DMURS states that in a street with a design speed of 50 km/h, the SSD should be 45 metres, while a street with a design speed of 30 km/h should have SSD's of 23 metres in each direction (so long as the street isn't a bus route). The X distance should be a maximum of 2.4 metres, with the reduced figure of 2.0 metres acceptable in difficult circumstances, where vehicle speeds are slow, and flows on the minor arm are low. The applicant's engineer noted in the Further Information response that the bend of the public road and the limited road frontage of the site constitute difficult circumstances, and the Local Authority accepted this.
- 7.4.5. The speed limit in front of the site, on approach to Marino School, is reduced to 30 km/h for very short periods associated with drop-off and collection times; a total of 1 hour and 10 minutes per school day. Apart from that, the speed limit on Church Road is 50 km/h.
- 7.4.6. The applicants have submitted data collected from GPS systems on the road during the month of October 2022, which demonstrate that the actual speed of vehicles on the road is largely lower than the 50 Km/h speed limit. The average speed eastbound is 23.8 km/h, while the 85th percentile speed is 39.1 km/h. In a westbound direction, the average speed is 36.1 km/h, with the 85th percentile speed at 45.4 km/h. The applicant's engineer attributes these lower speeds to the road environment, with a number of existing junctions in the vicinity, and road markings encouraging lower speeds.
- 7.4.7. I did not observe any high speed traffic on the date of the site visit (which was in the middle of a school day), and I note the appellants make no reference to vehicle speed, but only to the volume of vehicles at peak times.
- 7.4.8. The appellants object to the location of the vehicular access beside the school exit, but give no further details on their concerns. No objection or submission on the matter was received from the school administration, or from any students or parents. I note the Stage 1 Road Safety Assessment submitted with the application raised a concern regarding the proximity of the new access to the pier and boundary wall of the school site, and the potential risk due to lack of visibility of the footpath by drivers advancing out. However the alternative measure of stop signage and road markings in advance of the footpath, and a raised crossing with tactile paving and visually

contrasting materials to indicate to people on the footpath that vehicles may be exiting, was accepted by the audit team.

- 7.4.9. Given the effective speed on the public road; the visibility between drivers, and between drivers and cyclists; and the design of the junction which gives clear priority to pedestrians and includes tactile paving, I am satisfied that the new entrance would not create traffic hazard.

7.5. Drainage

- 7.5.1. The proposal includes a pumped surface water system with an attenuation tank under the road, and a pumped foul water system, with an emergency foul water storage tank under the car parking area. The Bray District Engineer's report notes the pumped surface water system would be financially unsustainable if taken in charge, and the location of the foul water system under the roadway is also not acceptable. However, the applicant notes that the foul water system has been designed to the standards set out by Uisce Éireann. They further note that the site requires pumps, due to the 1:20 gradient, and while Uisce Éireann has not yet confirmed the final revised design is acceptable, they have accepted the principle of pumping. They indicate that the manufacturer of the pump equipment is prepared to enter into a maintenance contract, in the event that Uisce Éireann does not take it in charge. They further note that condition 16 of the granted permission requires agreement to be reached with the Bray Municipal Engineer regarding the detailed design of the surface drainage system, and all alternatives to pumps will be discussed. I consider the proposed pumped systems acceptable, subject to details to be agreed with the Local Authority.
- 7.5.2. I note the appellant's concerns regarding potential noise, or odor from the pumping equipment; it is some 30 metres from their properties, and not at a proximity to have impacts on them.
- 7.5.3. The development as originally envisaged had permeable paving and water butts proposed as SuDS measures, although the latter were not shown on the site plan, landscape plan, or drainage plan. Water butts do not appear to be proposed for the development as granted; nor would they be appropriate or efficient for duplex units, which have limited use for stored rainwater, due to the limited terrace/garden area.

Blue roofs would be a more appropriate SuDS measure. I note the concerns raised by the Bray District Engineer regarding the lack of appropriate SuDS measures, and the proposed surface water discharge point at Beechurst. However, the final planner's report signed by the Senior Engineer notes that these issues can be addressed by condition, and I note the condition attached regarding submission of proposals for SUDS in compliance with the Greater Dublin Strategic Drainage Study. In the event of a grant, a condition should be attached to ensure appropriate SuDS measures are incorporated into the development, in line with CPO 14.13 and CPO 14.14, and that the connection to the existing public surface water infrastructure is detailed to the agreement of the Local Authority.

- 7.5.4. The Arboricultural report notes that the proposed new foul water drain (under the public road) is within the Root Protection Area (RPA) of the neighbouring Category A tree, a Turkey Oak, in the grounds of Cairness, and recommends the repositioning of this drain to avoid such an incursion. In the event of a grant, a condition should be attached to address this issue.

7.6. Impact on built heritage

- 7.6.1. The neighbouring house to the west, Cairness, is a protected structure. The proposed single-storey bin and bike store is close to the neighbouring garage at Cairness, as both structures are close to their shared boundary. The three-storey duplex terraces are 10 metres and 17 metres from the house itself, however, and there would be no undue overbearing impacts on the protected structure or its setting.
- 7.6.2. The church across the road is also a protected structure, and the belltower is a distinctive and dominant feature in views on approach from the east and west. The new development will feature in the view from the east, but will not obscure the church, or unduly impact on the view. I consider the impacts on the protected structures to be acceptable.
- 7.6.3. Stone boundary walls on Church Road and adjoining roads are listed in the RPS 'as indicated on map'. There is no map associated with the County Development Plan: however, the Heritage Objectives Map associated with the Bray Local Area Plan

2018 show that the stone boundary wall to the front of the site, which is proposed to be removed, is not one of these walls.

8.0 Appropriate Assessment

8.1. Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

- 8.1.1. I have considered the proposed development in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended. The development as originally proposed had 13 dwellings; as granted following readvertisement, it had 24. A screening report for appropriate assessment prepared by Altamar Marine & Environmental Consultancy was submitted in conjunction with the original application for 13 dwellings. It reaches a conclusion that no significant effects are likely. The application also contains an Arboricultural Report, an Environmental Impact Assessment Screening Report, and a Bat Fauna Impact Assessment. The Local Authority noted that there are no significant pathways between the development and any Natura 2000 site and found that there were no likely significant effects on a Natura 2000 site.
- 8.1.2. The development as appealed comprises the construction of 24 duplex units (following an initial application for 9 houses and 4 duplex units), and all associated works, on a site of 0.329 hectares. The proposed development will be connected to public water supply, surface water sewerage and foul water sewerage. SuDS measures (rainwater butts and permeable paving to parking spaces) are proposed, with residual surface drainage dealt with by an attenuation tank and pump, and connected to the existing surface water system at a surface water manhole at the Beechurst development, by a pipeline of 375 metres in length. This surface water system discharges into the Swan River.
- 8.1.3. The foul water generated by the development will be discharged to the existing combined sewer on Church Road.
- 8.1.4. The site is a brownfield one; a detached house on the site was demolished prior to the lodgement of this application. The site is bordered by residential development to the west and north, and by Marino Community Special School to the east.

8.2. European Sites

- 8.2.1. The proposed development is not in or immediately adjacent to any Natura 2000 sites. The closest Natura 2000 site is Bray Head SAC (site code 000714), c. 1.3 kilometres to the south-east, while the Ballyman Glen SAC (site code 000713) is c. 2 kilometres to west. There is no direct connection to either site. The nearest water body is the River Swan, c. 280 metres to the west (where surface water will be discharged). This is a tributary of the River Dargle, some 700 metres to the north-west. The Dargle flows into Bray Harbour, and into the Irish Sea, in which the Bray Head SAC is partially located. As such, there is a potential hydrological connection from the site to Bray Head SAC; however, given the water volumes and distances involved this is a tenuous connection.
- 8.2.2. SuDS measures are to be incorporated into the scheme in accordance with Development Plan Objectives. It is noted that these SuDS systems are now standard in all new developments to address potential flooding issues, they are not mitigation measures to avoid or reduce impacts on European sites.

8.3. Assessment of Likely Significant Effects

- 8.3.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the distance from the nearest European site and the absence of meaningful pathways between the application site and any European site it is possible to screen out the requirement for the submission of an NIS at an initial stage.
- 8.3.2. This determination is based on:
- The nature and scale of the development
 - The provision of water services to the development
 - The circuitous path between the site and the European site at Bray Head, to which there is a hydrological connection, and the distance to, and lack of hydrological connection to, any other European site.

9.0 Recommendation

I recommend a grant of permission.

10.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2022-2028, the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031, the nature, scale, character and location of the proposed residential development, the guidance set out in Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), DMURS, and other Section 28 Guidelines, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11th day of January 2024 and the 16th day of May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

3. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

4. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable

housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

5. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, a traffic management plan, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

6. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from

these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

7. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

8. At the completion of the development, or each sector thereof, and prior to the taking in charge of the estate, as constructed drawings of the development, to the requirements of paragraph 1.8 of Recommendations for Site Development Works in Housing Areas (Department of the Environment and Local Government, 1998) at a scale of 1/1000 shall be supplied to the Council electronically and shall be in a "DXF" format or other format agreeable to the Planning Authority and shall not be scanned images. They shall show the as constructed position of each site, house, road, watermain (including the location of sluice valves, scour valves, air valves and hydrants), foul and surface water sewers (including gullies, and invert levels of manholes to ordnance datum) and all pipe sizes and they shall show Irish Transverse Mercator-co-ordinates of the four corners of the drawing and shall be relative to the Irish Transverse Mercator Grid Projection.

Reason: In the interests of the proper management and maintenance of the roads and services.

9. Prior to commencement of development, the developer shall submit a layout map of the permitted development showing the areas or infrastructure to be taken in charge and those areas or infrastructure to be maintained by the

owner's management company. This shall be agreed in writing with the Planning Authority prior to commencement of development.

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

10. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

12. Prior to commencement of development, the developer shall submit final drawings and details for: (a) the design of the proposed junction with Church Road including measures for pedestrian priority on Church Road across the site access, (b) the treatment and finishing of the roads and footpaths, for agreement with the planning authority. The design and treatments shall be in accordance with the Design Manual for Urban Roads and Streets.

Reason: In the interest of traffic safety and proper planning and sustainable development.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and [residential] amenity.

14. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

15. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and wastewater collection network. Any new foul water drain shall be designed and laid so as to avoid incursion into the root protection area of trees to be retained, and avoid damage to their roots.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

16. 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. The design of the surface water drainage infrastructure, including the discharge point, shall be to the specification of the Municipal District Engineer Bray and shall comply with the requirements of the DHLGH Nature Based

Management of Urban Rainwater and Urban Surface Water Discharges
National Strategy 2024.

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

17. If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. (The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

18. The mitigation measures contained in the submitted Ecology Report shall be implemented.

Reason: To protect the environment.

19. Prior to commencement of development, details of proposals for electric charging infrastructure shall be submitted to and approved in writing by the Planning Authority. These shall include 2 recharging points and the installation of ducting infrastructure for every parking space.

Reason: In the interests of promoting active and sustainable travel, in the interests of proper planning and sustainable development

20. All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following: (a) trees, the removal of which is authorised in writing by the planning authority to facilitate development. (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens. (c) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall

be maintained until the development has been completed. (d) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

21. (a) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees shown to be retained on drawing number 230307-P-12, as submitted to the planning authority on the 22 day of September 2023, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(b) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the trees, together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority. Any excavation within the tree protection areas designated in condition number 20 of this Order shall be carried out using non-mechanised hand tools only.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by building operations.

22. No works shall take place on site until a revised landscaping scheme which includes native species in compliance with objectives CPO 17.22 and CPO 18.8 of the County Development Plan has been submitted to, and been agreed in writing with, the planning authority. The scheme shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any

plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

23. Reason: In the interest of residential and visual amenity and biodiversity, and compliance with Development Plan objectives.

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

Natalie de Róiste
Planning Inspector

20 January 2025

Appendix 1

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320184-24		
Proposed Development Summary	9 houses, 4 duplex units, new vehicular and pedestrian entrance, public open space, 22 car parking spaces, boundary treatments, new watermain connection and foul and surface water drainage.		
Development Address	Westwings, Church Road, Bray, Co. Wicklow		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold	Proceed to Q3
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold (24 units)	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320184-24
Proposed Development Summary	24 duplex units and all associated site works
Development Address	Westwings, Church Road, Bray, Co. Wicklow.
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development of 24 duplex units in two three-storey terraces is a standalone project requiring no new demolition, and no substantial excavation. It does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type (residential), does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated on a brownfield site in a built up area, removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan. It is adjacent to a number of protected structures and a special school, but not of a scale or use type to unduly impact upon these.
Types and characteristics of potential impacts	Having regard to the relatively modest scale of the proposed development, its

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	location removed from sensitive habitats, the likely limited magnitude and spatial extent of effects, and the absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
There is no real likelihood of significant effects on the environment. EIA is not required.	

Inspector:

Date: _____

DPI/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)