

	<h1>Variation No.6</h1>
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Who are you:	Group
Name:	Ballymore Group
Reference:	VAR6-143014
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- Chapter 1 – Proposed Variation No. 6
- Chapter 3 – Proposed Variation No. 6
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Ballymore submission to Variation no 6 of the Wicklow CDP FINAL.pdf, 0.77MB

Submission to proposed Variation No. 6 of the Wicklow County Development Plan 2022-2028 from Ballymore Group.

1.0 Introduction

Ballymore welcomes the publication of the proposed Variation No. 6 of the Wicklow County Development Plan 2022-2028 (the CDP) which seeks to take account of '*NPF Implementation: Housing Growth Requirements*' - *Guidelines for Planning Authorities*, issued under Section 28 of the Planning & Development Act 2000 (as amended) (July 2025).

Through its subsidiary company Shankill Property Investments Ltd, Ballymore owns the former Bray Golf Club lands on the south bank of the River Dargle in Bray. While the lands straddle the administrative boundary with Dun Laoghaire Rathdown, the bulk of the lands are located in the Wicklow administrative area. These lands were zoned *MU: Mixed Use* targeted for the delivery of a mixed-use development including 1,000 dwellings in the Bray and Municipal District Local Area Plan 2018-2024 (the Bray LAP). Since acquiring these lands, Ballymore has been actively engaged in their development in accordance with both the Bray LAP and the Wicklow County Development Plan.

Ballymore is currently completing 122 No. units granted planning under SHD 311181-21 as Phase 1A of the development and has a planning application for a mixed-use development consisting of 341 residential units, 8,155 sq m of retail/retail services and 10,778 sq m of commercial space under appeal with An Coimisiún Pleanála (WCC Case Reference 2560207, ACP ref. PL27.500165). A decision on this appeal is due in March 2026.

Historically Ballymore has developed a significant quantum of residential and associated development in Greystones and is always seeking opportunities to contribute further to the development of Wicklow.

We request that the following comments be taken into consideration by the Planning Authority in the adoption of this Variation.

2.0 Executive Summary

Ballymore welcomes the publication of the draft Variation no 6 in response to the review of the National Planning Framework. While the revision of the housing targets in the Core Strategy is welcome, we are disappointed to see that there is no corresponding proposal to zone more lands in any of the towns in the county to accommodate the proposed increase in housing numbers. This appears to be contrary to the NPF Implementation S28 Guidelines.

As the owner of the former Bray Golf Club lands, Ballymore has a key landbank in Bray, the town at the apex of the settlement hierarchy in the county. We note the recent determination of SHD 313442 by ACP where permission was refused for a high-quality residential development in Bray for the sole reason that the Bray Local Area Plan has expired and consequently there is no zoned lands in Bray. We urge the Council to rectify this situation by preparing a Variation of the CDP to include a zoning map for Bray as a matter of the highest priority.

We also question some of the data presented in Table 3.4 of the proposed Variation and the claim that 101 ha of ‘zoned lands’ is sufficient to deliver 7,401 dwellings in the town. We estimate that since the Bray LAP was adopted in 2018 only 1,020 dwellings have been developed on the zoned lands, 16% of the 2018 LAP target. We suggest that approx. 236 ha of zoned lands would be needed to achieve the 6,299 additional units for Bray targeted in the proposed Variation (table 3.3)

Finally, we are disappointed to note that the opportunity to delete Objective 6.2 from the CDP has not been taken in the draft Variation and urge the Planning Authority to delete this objective. A blanket ban on institutional investors is contrary to government policy as set out in *Housing for All* and acts as a choke on housing supply, putting further pressure on private tenants competing for scarce private rental accommodation.

3.0 Proposed Amendments to Chapter 1

Proposed Variation No. 6 proposes to amend Chapter 1, page 3 of the CDP as follows;

1.2 Structure of the Plan

The plan consists of a written statement and plans that indicate the development objectives for County Wicklow.

Volume 1 of the plan contains the primary written statement.

Volume 2 contains:

- a) a set of ‘town plans’ for the following settlements: Ashford, Aughrim, Avoca, Baltinglass, Carnew, Donard, Dunlavin, Laragh-Glendalough, Newcastle, Newtownmountkenedy, Rathdrum, Roundwood, Shillelagh and Tinahely;
- b) the land use zoning and key development objectives maps for the Local Area Plan settlements / areas of Wicklow Town – Rathnew and Blessington which have separate Local Area Plans (the written statement is published in a separate Local Area Plan);
- c) Local Planning Frameworks for the settlements / areas of Greystones – Delgany & Kilcoole, Arklow & Environs and Bray Municipal District (including Enniskerry & Kilmacanogue) when adopted.

Volume 3 contains the appendices to the plan that inform and clarify the broader strategic context of the written statement.

On adoption of this County Development Plan in 2022 separate Local Area Plans are in place and form part of this County Development Plan, which will be reviewed during the lifetime of this plan, ~~for the following towns / areas: Bray Municipal District, Wicklow Town, Rathnew, Arklow, Greystones, Delgany & Kilcoole and Blessington.~~

~~These~~ Local Area Plans are reviewed and made under Sections 18, 19 and 20 of the Planning and Development Act, and are subsidiary plans to this County Development Plan. The County Development Plan does provide the key parameters for these Local Area Plans such as the future population and housing targets and sets out the broad

³ Which was the applicable Strategy at the time of the drafting of this plan.

We respectfully bring to the attention of the Planning Authority that the above text contains a serious error. As of January 2026, Volume 2 of the Wicklow County Development Plan 2022-2028 does not contain a *Local Planning Framework for Bray Municipal District (including Enniskerry and Kilmacanogue)* as stated above.

According to the Planning Authority's website, Volume 2 of the CDP consists of Town Plans for the following Towns;

- Level 4 towns; Baltinglass, Newtownmountkennedy Rathdrum
- Level 5 towns; Ashford, Aughrim, Carnew, Dunlavin, Tinahely
- Level 6 towns; Avoca, Donard, Newcastle, Roundwood, Shillelagh and
- Laragh – Glendalaough

In addition,

- Variation No. 2 of the CDP incorporated the Wicklow-Rathnew LAP
- Variation No. 3 of the CDP incorporated the Blessington LAP
- Variation No. 4 of the CDP incorporated the Greystones Delganey & Kilcoole LAP
- Variation No. 5 of the CDP will incorporate the Arklow Local Planning Framework.

However, the Bray Municipal District LAP 2018-2024 was never incorporated into the County Development Plan and this LAP has now lapsed.

There is no longer any doubt about the status of this LAP. The Planning Authority will be aware of An Coimisiún Pleanála's determinations of SHD Ref No 313442.

SHD 313442

SHD ref 313442 was an application for 139 dwellings on Castle St in Bray. For this application the Commission convened an oral hearing specifically to determine the legal status of the Bray LAP. Despite the recommendations of both Wicklow County Council and ACP's Planning Inspector to grant permission, and the agreement of the Commission that the proposed development represented a high quality of development on a serviced site, the Commission felt obliged to refuse permission for this development for the sole reason that the LAP had expired and 'no statutory zoning applies to the subject site'. In its Order dated 9th December 2025 the Commission stated;

'The Commission considered the case put forward at the Oral Hearing by the applicant and the planning authority, that Variation 3 in effect extended all LAPs until they were replaced, however, determined that the reference was specifically to each new LAP as/when it was integrated into the CDP. There is no statement that the expired Bray LAP has been extended until replaced in Variations to the CDP adopted by the local authority to date.'

There was one reason for the refusal of permission;

Having regard to the expiration of the Bray Municipal Local Area Plan 2018-2024, which became effective on 10th June 2018 and had a stated duration of 6 years, it is considered that no statutory zoning applies to the subject site. In this context, the proposed development is not consistent with the legislative preconditions for a Strategic Housing Development, insofar as it is not on land the zoning of which facilitates its use for the purposes proposed in the application. In this context, the Commission is precluded from granting permission for the proposed development.

This statement is clear and unambiguous. The Bray LAP has lapsed. Consequently, there is no zoned land in Bray. This is an urgent matter the Planning Authority must address without delay.

The absence of a statutory land use plan for Bray Municipal District has very real implications for the delivery of housing in the county and the Planning Authority's legal obligation under S95 (1)(a) of the Act which states the Planning Authority has a duty;

'to ensure that sufficient and suitable land is zoned for residential use, or for a mixture of residential and other uses, to meet the requirements of the housing strategy and to ensure that a scarcity of such land does not occur at any time during the period of the development plan.'

The Large-Scale Residential Development (LRD) concept was introduced to replace the Strategic Housing Development (SHD) concept in 2021. All housing schemes of 100 units or more must go through the planning system under S.32A of the Planning and Development Act 2000 (as amended).

Unlike a conventional planning application made under S34 of the Act, the legislation clearly states that an LRD application made under S32A of the Act must be on land 'the zoning of which facilitates its use for the purposes proposed in the application'.

Ballymore has no other comments on the proposed amendments to Chapter 1 of the CDP.

4.0 Proposed Amendments to Chapter 3

Page 1 of the proposed Variation to Chapter 3 proposes to delete the word 'area' from local area plans. It states the following;

Whether zoning objectives are outlined in this development plan or in subsidiary local **area** plans, the Core Strategy of the development plan must be sufficiently specific in setting population targets and housing requirements across the overall area of the planning authority and the elements of the settlement hierarchy outlined above thereby to act as a clear framework for amendments to existing zonings or new zonings in lower-level plans. In turn, the population targets and housing requirements of lower-level plans must be consistent with the Core Strategy of the County Development Plan and this will be achieved either in subsequent amendments to such plans or in the preparation of new local **area** plans.

Chapter 3 – Proposed Variation – Page 1

We respectfully bring to the attention of the Planning Authority that under the P&D Act 2000 (as amended), land can only be zoned in the County Development Plan or in Local Area Plans. There is no legal mechanism to zone land in any other type of plan. When the Planning and Development Act 2024 is commenced and the Act of 2000 is repealed, all land in the Planning Authority's administrative area must be zoned in the County Development Plan and only in the County Development Plan. For clarity therefore, we respectfully request that the word 'area' in the text cited above not be deleted as proposed in the Variation. Land cannot be zoned in any 'local plan'.

We welcome the proposed statement on Page 8 that *'The new housing targets are taken as a minimum level of housing to be supported by zoning / development objectives in the 2025-2031 period,'* but again wish to bring to the attention of the Planning Authority the urgent need to zone lands in Bray to facilitate the delivery of housing.

We welcome the recognition of Bray at the top tier of the county's settlement hierarchy in Table 3.3 (page 11) and the target to plan for a minimum of 6,299 new dwellings by 2031. Again, we wish to reiterate that this can only happen if lands are zoned in the town.

We question the data presented in Table 3.4 (page 13) as it relates to Bray.

Column 3 of this table states that, as of Q3 2025, there are 157 units under construction in the town. Ballymore alone has 168 no. units under construction in Bray, granted permission under planning refs SHD 311181-21 (Sea Gardens) and 22/188 (Seapoint Road). We are also aware of other residential developments currently under construction at Fontenoy Place/Strand Road (Planning ref 22/475), the Presentation College site (SHD 312020) and the former Dell factory off Boghall Rd (planning Ref 2446).

Column 5 states that there are 135 units 'permitted but subject to current appeal/JR.' Ballymore has 190 no. units in 'Block B' of Sea Gardens, permitted under SHD 314686-22 which is currently under Judicial Review. We understand SHD ref no 312652 in Enniskerry is also under Judicial Review.

Columns 6 - 11 refer to '101 ha of zoned land with no live permission' with the capacity to deliver 7,405 units in Bray. Again, we do not accept that this is the case. The 'zoned lands' refers to lands zoned in the Bray LAP. The areas of each of these plots and potential number of units each is expected to deliver is set out in tables 3.1 (Bray), 3.2 (Enniskerry) and 3.3 (Kilmacanogue) of the Bray LAP.

The data in Table 3.1 of the Bray LAP is presented in Columns A, B and C of table 5.1 below (shaded blue). Column D is the actual performance of the various plots during the life of the plan. Of the 6,453 potential units identified in the plan, we estimate only 1,020 units have been constructed. This is 16% of the 2018 target.

A	B	C	D	E
Location/ Description	Area in ha	Potential Number of units	No of units completed/ on site	Comment
AAP1-Fassaroe	13.89	20	0	SHD 313314 for 650 units refused
AAP1-Fassaroe	78.78	3,945	0	
AAP1-Fassaroe	1	75	0	
SLO1-Kilruddery	4.3	86	130	211501 and 211453 now complete.
SLO2-Rehills – the Slang	3	100	0	Lands owned by WCC. The development of the lands appears to be uneconomic.
SLO3-Former Bray Golf Club	9.92	1,000	122	An additional 341 units are currently under appeal under 2560207
SLO4-Dell	3.75	150	178	2446, now under construction
SLO7-AO Smith	3.2	120	0	12 units granted, not built
SLO8-Oldcourt House	1.14	32	0	No application
SLO9-Bray Southern Cross	2	80	208	SHD 305058 now complete.
OP2-Former Buckley Heitons	0.6	120	0	SHD 313442 for 139 units refused due to lack of zoning.
Bray Head Hotel, Bray Seafront	0.3	30	46	18936 now complete.
Former Dawsons, Bray Seafront	0.42	110	0	Permission refused in 2017
Bray Harbour	1.4	0	0	
Brook House	1.2	60	0	No application
Presentation College	2.2	75	179	SHD 312020 under construction
Ravenswell	2.97	150	0	No application
FCA	2.03	100	0	53 units applied for by WCC Part 8 application
Infill/other		200	46 39 72	Seapoint Rd. Montebello Tce Adelaide Rd
		6,453	1,020	

Table 5.1

Given the performance of the Bray LAP since 2018, it would be hugely ambitious to assume that 101ha of zoned lands in Bray identified by the Planning Authority would be capable of delivering 7,405 housing units at an average density of 73dph. We suggest that if the Planning Authority wishes to achieve the minimum 6,299 additional units in Bray by 2031 that a minimum of 230 ha of zoned land would be required¹.

¹ At an average density of 40dph, 6,299 units would require 157 ha if all lands were built out in full. As recommended in the Minister's S28 guidelines it would be prudent for the Planning Authority to 'overzone' by a factor of 50% to allow for some zoned land not coming forward for development. This would imply 236 ha of zoned lands would be needed.

5.0 Proposed Amendments to Chapter 6

We note the following proposed amendment on Page 2 of Chapter 6;

The NPF warns against the intensification of social housing in areas that are already dense with social housing and advocates for the development of diverse neighbourhoods with a balance of public and private housing to create healthy communities. The NPF states that in addition to the significant investment in social housing we also need to ensure that more affordable homes. ~~are built for sale or rent, particularly in our cities, towns and villages, enabling people to choose to live within their communities and closer to where they work.~~ It indicates that this will be facilitated through more proactive land management and coordinated and efficient provision of enabling infrastructure, particularly on ~~publicly local authority and State-owned~~ lands, as well as providing flexibility on design and density, particularly in our urban cores, to enable more cost-efficient construction and provide a variety of homes aimed at first-time buyers.

We see no reason to delete the following text;

(that more affordable homes) are built for sale or rent particularly in our cities enabling people to chose to live within their communities and closer to where they work.

This statement is closely aligned with national housing policy as set out in *Housing for All* the Government's housing plan for Ireland to 2030, launched in 2021 and cited in the Revised NPF. *Housing for All* specifically states;

'Everyone in the State should have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life.'

Private rental accommodation has always been a significant part of the housing mix in Ireland and will continue to play an important role in tackling the housing crisis. This is stated in *Housing for All*. Point No. 1 in the Executive Summary states;

'There are not enough houses to buy or rent in the private sector.'

The *Housing for All* policy document and associated legislation introduced various safeguards for private tenants including expanding rent pressure zones, enhanced protection of deposits, extended leases and a ban on the bulk purchase of traditional family houses. However, it is not government policy to prohibit the development of private rental accommodation. We therefore request that Policy CPO 6.2 of the County Development Plan be deleted.

CPO 6.2 sates the following;

CPO 6.2 The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.

Not everyone qualifies for social and affordable housing. Not everyone wants to own a property. There is a significant cohort of the population that wants to rent modern, high quality and professionally managed accommodation. This policy discriminates against them. Private renters are forced to seek out older and often sub-standard accommodation that's often poorly maintained or not managed at all. By choking the supply of purpose-built modern accommodation, this policy adds further pressure on demand for existing sub-standard private rental accommodation. We hereby request that it is deleted.

6.0 Summary and Conclusion

While the proposed Variation to increase target dwelling numbers in response to the revision of the National Planning Framework is very welcome, this Variation will have little impact if the appropriate quantum of land to accommodate this increase is not zoned. In particular there is an urgent need to prepare a plan for Bray that zones land.

The opportunity should also be taken to delete Objective 6.2 of the County Development Plan that imposes a blanket ban on the purchase of all residential accommodation by commercial institutional investment bodies. This ban is contrary to government policy and serves to restrict supply, thus increasing pressure on private rental tenants.

We trust the above comments will be taken into consideration by the Planning Authority in the consideration of the final draft of Variation No 6.

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