

**An  
Bord  
Pleanála**

**Board Direction  
BD-009077-21  
ABP-310398-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/09/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in an established suburban area, in an area zoned for Residential purposes.
- (b) the policies and objectives in the South Dublin County Council Development Plan 2016-2022; and Ballycullen – Oldcourt Local Area Plan (2014).
- (c) the provisions of the National Planning Framework with regard to compact growth and the provision of new homes within existing settlements.
- (d) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031.
- (e) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016.
- (f) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government (2020);



- (g) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ prepared by the Department of Housing, Planning and Local Government 2020;
- (j) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (k) the nature, scale and design of the proposed development;
- (l) the availability in the area of educational, social, community and transport infrastructure,
- (m) the pattern of existing and permitted development in the area, and the planning history relating to the site and the wider area.
- (n) the Report of the Chief Executive of South Dublin County Council.
- (o) the submissions and observations received.
- (p) the report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to screening for appropriate assessment and environmental impact assessment.



## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated Natura 2000 Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the location, nature, scale and extent of the proposed development.
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application.
- (c) the submissions from the Chief Executive and the prescribed bodies in the course of the application, and the submissions received from Observers.
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.



### **Reasoned Conclusions on the Significant Effects:**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated where required, as follows:

Potential construction **noise and vibration** impacts on nearby sensitive receptors, which will be mitigated by the following measures:

- The short-term nature of construction impacts.
- Implementation of an agreed Construction Management Plan and adherence to identified emission limit values.
- Limiting the hours of construction.
- The selection and location of plant to minimise emissions.
- Monitoring of noise and vibration during critical periods and at sensitive locations.
- Establishing channels of communication with Local Authority and residents.

Potential impacts on **air quality and climate, biodiversity and human health** from dust emissions at construction stage, which will be mitigated by the following measures:

- Implementation of the Construction Environment Management Plan incorporating a Dust Management Plan.
- Monitoring of dust deposition levels (via the Bergerhoff method) at a number of nearby sensitive receptors.
- Implementation of on-site practices for vehicles to avoid idling engines.
- Minimising generation of waste materials.



A significant change in the **use** of lands to urban, residential use, which will be mitigated by the following measures:

- The limited and relatively constrained site area and absence of current agricultural use thereof.
- The zoned nature of the land and the identified need for housing in the region.

Potential significant effects on **land and soil** during construction, which will be mitigated by the following measures:

- Implementation of a Construction Environmental Management Plan, incorporating a Construction Traffic Management Plan.
- Implementation of an agreed Construction and Demolition Waste Management Plan and reuse of substantial volumes of excavated materials on-site.
- Construction management measures to control potential run-off and dust generation, and to reduce compaction and erosion of soils.

Potential significant effects on **Landscape and Visual Amenity**, which will be mitigated by the following measures:

- The surrounding pattern of suburban development in the area.
- Implementation of construction site management procedures set out in the Construction Environmental Management Plan.
- Appropriate design, massing and finishes to the proposed development.
- Site landscaping and provision of additional public spaces.

Potential significant indirect effects on **water and hydrology**, which will be mitigated by the following measures:

- Implementation of a site-specific Construction Environmental Management Plan to control potential emission of sediment or contaminants to water.
- Connection to Irish Water networks on completion of identified upgrade works.
- The design and maintenance of the storm water management and attenuation system.



- Maintenance of overland storm flow routes free of obstruction.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Conclusion on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the planning authority.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the South Dublin County Council Development Plan 2016-2022; and Ballycullen – Oldcourt Local Area Plan (2014) in relation to building height, and the Ballycullen – Oldcourt Local Area Plan (2014) in relation to residential density and dwelling mix, and the phasing strategy. The Board considers that, having regard to the provisions of section 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Local Area Plan and County Development Plan would be justified for the following reasons and consideration:



a) In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase the delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness. The proposed development is therefore considered to be strategic in nature.

b) In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended):

It is the view of the Board that the objectives of Housing Policy 8 of the South Dublin County Development Plan 2016 - 2022, to support higher densities, conflict with the limitations in height contained within Housing Policy 9 Objectives 3 and 4. While the objectives contained within Housing Policy 8 encourage higher densities and efficient use of lands, at appropriate locations, Policy 9 objective 4 seeks to direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme. Given that higher densities are generally associated with increased heights, restricting developments that exceed 5 storeys to the limited number of sites that fulfil Policy 9 Objective 4, conflicts with the objective to maximise the most efficient use of remaining sites, which may also be suitable for higher densities

c) In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

In relation to building heights, permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework. In particular, regard is had to SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise, and national



policy in Project Ireland 2040 National Planning Framework (including objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of the Urban Development and Building Height Guidelines.

In relation to residential densities, regard is had to The Sustainable Residential in Urban Areas, Guidelines for Planning Authorities, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031, , the National Planning Framework and in particular National Policy Objective 35, and the provisions of Sustainable Urban Housing: Design Standards for New Apartments Design, Guidelines for Planning Authorities promote increased densities on such sites.

In relation to housing mix, the Sustainable Urban Housing: Design Standards for New Apartments Design, Guidelines for Planning Authorities identify the need for a mix of apartment types to reflect trends in household formation and housing demand. SPPR 8 of these guidelines state that in the case of BTR development, restrictions on dwelling mix should not apply.

d) In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000 (as amended):

In relation to building heights, residential densities and dwelling mix, the Board noted the recent approvals for Strategic Housing Developments in the surrounding area since the adoption of the County Development Plan and Local Area Plan. In particular, regard was had the decision to grant permission under ABP ref. ABP-309836-21 to the north of the subject site, within the LAP area. Regard was also had to permission granted in the wider area at Scholarstown Road (ABP Reference ABP-305878-19) and Edmonstown Road (ABP reference ABP-307222-20). The Board therefore considered that permission for the proposed development should be granted for the building heights, residential densities and mix of dwellings proposed having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.



In respect of the phasing strategy of the Ballycullen Oldcourt Local Area Plan, the Board notes the grant of planning permission for childcare facilities on adjoining lands to the west under reference SD19A/0345 (as amended under reference SD20A/0322) and for community facilities on lands to the north under ref ABP-309836-21, which will serve this wider area and satisfy the requirements of the phasing strategy. The Board also had regard to the grant of planning permission under PA ref. SD21A/0137, for a post-primary school within the LAP lands and current identified trends in primary school enrolment in the area.

The Board therefore considered that in respect of the phasing of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post-Primary School on the western side of the Plan Lands, permission for the proposed development should be granted having regard to the pattern of development and permissions granted since the adoption of the LAP.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 17 of the EIAR 'Mitigation Measures and Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.



**Reason:** In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows:

- (a) Additional set-down parking shall be provided adjacent to dwelling units in Block B.
- (b) Revised layout plans and landscaping details shall be provided identifying how access to communal and public open space can be improved, having regard to the principles of universal access.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

4. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first residential unit within the scheme.

**Reason:** In the interests of proper planning and sustainable development of the area.

5. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Build to Rent scheme. Any proposed amendment or deviation from the Build to Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity



6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings / buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority / An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

8. Proposals for an estate / street name, house 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 numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name 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.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

**Reason:** In the interests of amenity and public safety



10. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
- (b) Prior to the commencement of development, details of the design of the pedestrian crossing of Stocking Avenue along the frontage of the site in accordance with the principles set out in the Design Manual for Urban Roads and Streets (DMURS) shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

11. Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Street Interim Advice Note – Covid Pandemic Response May 2020. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.



12. The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and units over time and shall include a strategy for the community use and any car-share parking. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

13. Bicycle parking spaces shall be provided within the site in accordance with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020. Revised details of the number, layout and design, marking demarcation and security provisions for these spaces shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

14. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and or future proof the development such as would facilitate the use of electric vehicles.



15. Prior to the commencement of development, final details of the noise mitigation measures identified in section 12.6.3 of the submitted Environmental Impact Assessment Report in respect of the façade treatment of proposed dwelling units shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of residential amenity.

16. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. 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.

17. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

(c) Upon Completion of the development, a Stage 3 - Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

(d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the petrol or oil interceptors should be submitted to and agreed in writing with the planning authority prior to occupation of proposed dwelling units and shall be implemented in accordance with that agreement.

(e) The mitigation measures identified in the site specific flood risk assessment, prepared by DBFL, shall be implemented in full.

**Reason:** In the interest of public health and surface water management.



18. (a) Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water. All development is to be carried out in compliance with Irish Water Standards codes and practices.
- (b) No unit shall be occupied until the Ballycullen-Oldcourt Local Network Reinforcement Project and any associated network extension identified by Irish Water, is complete and commissioned, unless otherwise agreed with the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of public health.

19. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation including hydrological and geotechnical investigations relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.



20. The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The landscaping scheme shall be amended to incorporate the following:

- (a) Measures to satisfactorily define and delineate communal residential amenity space from areas of public open space.
- (b) Additional planting and landscaping to enclose and screen surface car parking, particularly to the south of Block A.

The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

**Reason:** In the interest of residential and visual amenity.

21. The measures and features identified in the Biodiversity Management Plan, prepared by Altamar Limited, shall be implemented in full.

**Reason:** In the interests of amenity, ecology and sustainable development.

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) A Construction Traffic Management Plan providing details of the timing and routing of construction traffic to and from the construction site and associated



directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.

(f) Measures to obviate queuing of construction traffic on the adjoining road network.

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

(h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any footpath, cyclepath or public road during the course of site development works.

(i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.

(j) Containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

(k) Off-site disposal of construction and demolition waste and details of how it is proposed to manage excavated soil.

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

23. Prior to the commencement of development on the site, proposals to address the matters raised in the submission of the Department of Defence on this application, dated 24<sup>th</sup> June 2021, shall be submitted to and agreed in writing with the planning authority.

**Reason:** To protect operations at Casement Aerodrome, in the interests of public safety.



24. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.



**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

27. 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.

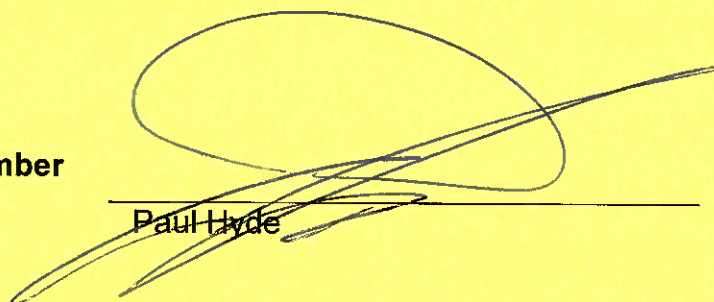
28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



**Note:** In deciding not to accept the Inspector's recommendation to omit Block C2 from the proposed development, the Board was satisfied having regard to the visual impact assessment submitted with the application and the submissions received that the proposed Block C2 was not unduly prominent and would not seriously injure the visual amenities of the area. Furthermore, having regard to the contour profile of the site, the Board considered that the level of earthworks required were acceptable and would allow for the orderly development of the site and did not require further amendment by way of condition or a separate application for permission.

**Board Member**

A handwritten signature in blue ink, appearing to read 'Paul Hyde', is written over a horizontal line. The signature is stylized with a large loop at the top and several horizontal strokes below.

**Date:** 14/09/2021