

**An
Bord
Pleanála**

**Board Direction
BD-011835-23
ABP-312318-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/02/2023.

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 policies and objectives as set out in the Fingal Development Plan 2017-2023;
- b) The objectives as set out in the Kellystown Local Area Plan 2021;
- c) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, 2016;
- e) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;

- f) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- g) The provisions of the Climate Action Plan 2023 issued by the Department of the Environment, Climate and Communications issued on 21st December 2022;
- h) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- i) 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 2022;
- j) The provisions of 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;
- k) The provisions of the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019;
- l) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in 2009;
- m) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- n) The pattern of existing and permitted development in the area;
- o) The planning history of the site;
- p) The submissions and observations received;
- q) The Chief Executive's report from Fingal County Council;
- r) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the nature of the receiving environment, the distances from the application site to the nearest European Sites and the hydrological pathway considerations, the information submitted as part of the Appropriate Assessment Screening Report submitted with the application, submissions and observations on the file and the Planning Inspector's Report. In completing the screening, the Board agreed and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Sites in view of the Conservation Objectives of such Sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001-2022, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- the location of the proposed houses, the retail unit and childcare facility on lands zoned 'RA - Residential Area' in the Fingal Development Plan 2017-2023 with a stated objective to 'provide for new residential communities subject to provision of the necessary social and physical infrastructure' and

the location of the public open space on lands zoned 'OS - Open Space' in the Development Plan with a stated objective to 'preserve and provide for open space and recreational amenities', and the results of the Strategic Environmental Assessment of the Development Plan;

- the location of the proposed houses, apartments and open space on lands included as part of the Eastern Development Area (Phase I) within the Kellystown Local Area Plan 2021 and the results of the Strategic Environmental Assessment of the Local Area Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2022;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2022, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Preliminary Construction Management Plan, the Construction and Demolition Waste Management Plan, the Ecological Impact Assessment, the Hydrological and Hydrogeological Qualitative Risk Assessment and the Engineering Assessment Report.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant provisions of Fingal Development Plan 2017-2023 and the Kellystown Local Area Plan 2021, would constitute an acceptable quantum and density of development in this intermediate urban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on pedestrian, cyclist and traffic safety, would provide an acceptable form of residential amenity for future occupants, would not be at risk of flooding, or increase the risk of flooding to other lands, would be capable of being adequately served by wastewater and water supply networks and would not detrimentally impact on the built and natural heritage of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. The proposed development shall be amended as follows:

- (a) apartments BA.0118, BA.0219 and BA.0319 in proposed block A shall be omitted, providing for a total of 346 units within the proposed development, and their resultant respective floor areas shall be absorbed into the adjoining apartments BA.0119, BA.0220 and BA.0320 on each respective floor, and these enlarged apartments shall feature revised window positions to avoid excessive direct overlooking of apartments BA.0117, BA.0218 and BA.0318. The floor areas and layouts for revised apartments BA.0119, BA.0220 and BA.0320 shall be compliant 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;
- (b) following completion of an alternative vehicular access route from Porterstown Road to the Kellystown Link Road, the proposed vehicular access to Kellystown Link Road adjacent to the east of the existing Porterstown Road, adjacent to the west of proposed block A and immediately to the south of the junction of proposed roads 1 and 11, shall be suitably landscaped and secured to only allow for use of this stretch of road by emergency vehicles. Such landscaping may comprise grasscrete or similar material finishes.
- (c) the pedestrian and cycle routes running through the green infrastructure corridor following Porterstown Road shall be segregated;
- (d) cycle route connections shall be provided from proposed road nos.2 and 4 to the proposed cycle infrastructure along Kellystown Link Road, and also from proposed road no.9 into the proposed cycle infrastructure along the green infrastructure corridor;
- (e) a pedestrian route from the southeast side of proposed road no.11 to the east of proposed block A, shall be revised to facilitate a direct connection into the existing pedestrian path infrastructure on Diswellstown Road (overpass route);

- (f) the render finishes for proposed blocks B and C, and the northern elevation of proposed block A, shall be omitted and replaced by a brick finish complementing the respective adjoining external elevations;
- (g) the proposed palisade fence boundary treatment to the pumping station facility shall be omitted and replaced with a 2.2m-high rail fence or similar secure boundary treatment, subject to agreement with the Planning Authority;
- (h) access details to floored attic storage spaces in proposed house types H01, H03, H04 and H06 and to the bicycle and bin stores serving proposed blocks A and C shall be provided;
- (i) the first-floor side elevation north-facing window to proposed house no.121 and the first-floor side elevation south-facing window to proposed house no.114 shall be omitted;
- (j) revised plans for house nos.104 and 118 shall be provided, ensuring the omission of first-floor side elevation windows serving habitable rooms to these houses;
- (k) vertical privacy screens shall be provided to all adjoining terraces and balconies, including the west side of the terrace serving apartment BA.0114 and the balconies serving apartments BA.0214 and BA.0314 in proposed block A, and the west side of the balconies and terraces serving apartments BB.0103, BB.0203 and BB.0303 in proposed block B;
- (l) defensible space shall be provided to the terraces onto the internal courtyard space serving apartments BA.0106, BA.0107, BA.0108 and BA.0115 in proposed block A, the terraces onto the public path to the north serving apartments BA.007 and BA.008 in proposed block A, and the terraces onto the proposed communal space to apartments BC.0001 and BC.0002 in proposed block C;
- (m) all proposed roads and environmental services shall be constructed to immediately abut the boundaries of the site connecting with the adjoining Kellystown Local Area Plan lands.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority 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 interests of visual amenities, orderly development, the amenities of residents, road and traffic safety, permeability and the proper planning of the area.

3. All measures outlined in the plans and particulars submitted with the application, including the Ecological Impact Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment and public health.

4.

- (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The first phase of the development shall include for all necessary Sustainable Urban Drainage Systems required to safely facilitate the proposed development. The phasing scheme shall identify how vehicular access, as well as a sufficient quantum of parking spaces and open spaces to serve residents, occupants and visitors for each phase of the development, would be provided throughout the construction phases of the development, as well as all services, including drainage and external lighting;
- (b) Work on any subsequent phases shall not commence until substantial completion of Phase 1 or prior phase or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To protect the environment and to ensure the timely provision of services and facilities, for the benefit of the occupants and residents of the proposed units and the satisfactory completion of the overall development.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application and subject to the conditions of this permission, unless otherwise agreed in writing with the planning authority 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.

6. Proposals for an estate/street name, house and 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(s) 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(s).

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

7.
 - (a) The internal road network and accesses serving the proposed development and the stretch of Kellystown Link Road / Diswellstown Road proposed to be upgraded, including sightline visibility at Abbey Cottage, 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 the Design Manual for Urban Roads and Streets.

All findings of the submitted Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

- (b) The Kellystown Link Road shall be revised to facilitate the provision of bus stops and two-way cycle path on the northern side, with a reduced number of traffic lanes and width to the proposed carriageway via the omission of the right-turn lane to the new proposed section of road to the west of proposed block A, and the omission of the left-turn lane onto Diswellstown Road to a point east of the proposed pedestrian/cyclist crossing infrastructure to the schools campus to the south. The proposed pedestrian/cyclist crossing infrastructure to the schools campus shall be repositioned to align with the internal desire lines within the school campus.
- (c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and indicate how these and other spaces within the development shall be assigned, segregated by use and how car, cycle, motorcycle and car-share / club parking, as well as turning areas, shall be continually managed.
- (d) The developer shall comply with all requirements of the Planning Authority in relation to roads, access, cycling infrastructure, turning movements for refuse and emergency vehicles, and parking arrangements.

Reason: In the interest of amenity, orderly development and traffic and pedestrian safety, and to comply with the relevant provisions of the Design Manual for Urban Roads and Streets.

- 8. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads and Streets guidance and Transport Infrastructure

Ireland standards. The independent audit team(s) shall be approved in writing by the planning authority and all measures recommended by the Auditor shall be implemented unless the planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted and agreed with the planning authority prior to the commencement of development.

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

9. All of the permitted house units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended to this effect. Such an agreement must specify the number and location of each house.

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.

10. Prior to the occupation of the development, a finalised Mobility Management Plan (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, as well as staff employed in the development, and to reduce and regulate the extent of parking. 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.

11. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have not been submitted with the application, in accordance with the above noted requirements, 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.

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

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

13. 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 visual amenities of the area.

14. Prior to commencement of development the developer shall enter into water and waste water connection agreements with Irish Water,.

Reason: In the interest of public health.

15.

- a) Drainage arrangements including the diversion of existing water infrastructure, and the proposed arrangements for attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and the guidance contained within Inland Fisheries Ireland 'Planning for Watercourses in the Urban Environment' regarding separation distances between the proposed SUDS features and watercourses.
- 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.

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

16. Public lighting shall be provided in accordance with a scheme, which shall include lighting for play areas, opens spaces and pedestrian / cycle routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the development phasing arrangements and the existing public lighting in the surrounding area, as well as the requirements of the submitted Ecological Impact Assessment with respect to bat species. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

17. The landscaping scheme shown on the Overall Landscape Plan (drawing no. 19-015_LP-01-PP) and the Landscape Design Report, as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works in the respective phases of the proposed development. In addition to the proposals in the submitted scheme, the following shall be carried out:

- a) Revised landscaping details detailing defensible space adjoining to the front of all proposed terraces on the exterior of block A shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development;
- b) Measures for the protection of trees and hedgerows proposed to be maintained shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development and all measures to protect trees and hedgerows shall be overseen by an arborist;
- c) All details of the play facilities and passive recreation facilities shall be submitted for the agreement of the planning authority prior to commencement of development;
- d) Fitting out details for the proposed playing pitch shall be provided as part of the development and details of same shall be submitted for the agreement of the planning authority prior to commencement of development;
- e) A public artwork feature shall be provided as part of the development and details of same shall be submitted for the agreement of the planning authority prior to commencement of development;
- f) Details of landscaping measures to address impacts on foraging / feeding bats, including the locations of the proposed bat boxes, shall be submitted for the agreement of the planning authority prior to commencement of development.

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. This work shall be completed before any of the dwellings are made available for occupation in the respective phases and shall be maintained as public open space by the developer until taken in charge by the local authority or the management company.

Reason: In the interest of environmental, residential and visual amenity.

18. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

19.

- (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.
- (b) A map delineating those areas to be taken in charge by the Local Authority, including the playing pitches and associated facilities and equipment, and details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment, house and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To ensure the provision of adequate refuse storage.

21. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.

The developer shall also comply with the following requirements: -

- (a) The developer shall engage the services of a suitably qualified archaeologist to carry out an Archaeological Impact Assessment of the development site. The assessment will include the results of an archaeological geophysical survey. No subsurface work should be undertaken in the absence of the archaeologist without his/her express consent.
- (b) An archaeologist should carry out any relevant documentary research and inspect the site. Test trenches will be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings.
- (c) Having completed the work, the archaeologist should submit a written report to the Planning Authority and to the Department of Housing, Local Government and Heritage in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to preserve the archaeological heritage of the site in situ or by record.

22. The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all measures stated in the application plans and particulars, including the Ecological Impact Assessment, the Construction and Demolition Waste Management Plan, the Engineering Assessment Report and the Preliminary Construction Management Plan, and shall provide details of the intended phased construction practice for the development, including:

- a) Location of the site and materials compound(s);
- 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) 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 public road or footpath during the course of site development works;

- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels;
- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) 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;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that excessive silt or other pollutants do not enter local infrastructure or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

23. Site development and building works shall be carried out only 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 will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

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

24. 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.

25. 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.

26. 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

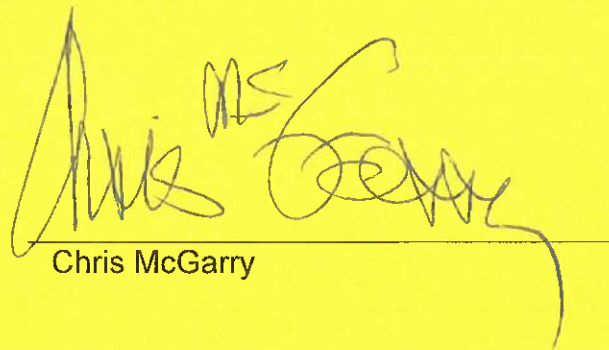
on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate 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.

27. The developer shall pay to the planning authority a financial contribution in respect of the Re-opening of the Navan to Dublin Railway Line – Phase 1 – Clonsilla to Dunboyne (Pace) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Board Member



Chris McGarry

Date: 28/02/2023

