



An  
Bord  
Pleanála

**Board Direction**  
**BD-012339-23**  
**ABP-315488-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/05/2023.

The Board decided to make a split decision, to:

REFUSE permission for Block 5 in accordance with the said plans and particulars based on the reasons and considerations under (1),

GRANT permission for the remainder of the proposed development in accordance with the plans and particulars lodged generally in accordance with the Inspector's recommendation, based on the reasons and considerations under and subject to the following conditions set out below (2).

### **Reasons and Considerations (1)**

In deciding not to accept the Inspectors recommendation to grant permission for Block 5 (9 – 16 storeys comprised of 80 no. residential units, 1 no. hotel with 192 no. rooms and associated restaurant and ancillary facilities, gym over basement and ground floor level and all associated works), the Board considered the specific performance criteria in Table 4 of Appendix 3 the Development Plan as it relates to the performance criteria to be met to justify the provision of landmark/tall buildings and in particular the criteria relating to exemplary architecture, visual impact and tall building clusters, which it is considered would not be satisfied by the specific design proposal for Block 5. The proposed landmark building (Block 5) is located within an area not specifically designated for landmark/tall buildings within the Dublin City

Development Plan 2022-2028 and where there is a general presumption against landmark/tall buildings unless in exceptional circumstances. Having regard to the specific siting and design of Block 5 within the site and its relationship with the overall development, the Board does not consider that the specific design proposed for Block 5 provides a compelling architectural and urban design rationale which would facilitate the consideration of exceptional circumstances. The Board accepted the principle of development in this particular location notwithstanding the refusal of permission for Block 5. The proposed development would seriously injure the visual amenities of the area and would be contrary to policy SC18 and Section 15.5 of the Dublin City Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

## **Reasons and Considerations (2)**

Having regard to

- a) The site's location on lands with a zoning objective for residential development;
- b) The policies and objectives in the Dublin City Development Plan 2022 – 2028, including, but not limited to, the performance criteria (as relates to height and density) as set out in Appendix 3 of the Dublin City Development Plan 2022-2028.
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing development in the area;
- e) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- f) Sustainable Urban Housing: Design Standards for New Apartments, 2020;
- g) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- h) The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009);
- i) Submissions and observations received; and
- j) The inspectors report.

It is considered that, subject to compliance with the conditions set out below, the proposed development 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 quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that European Sites South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006) and Wicklow Mountains SAC (002122) were the only European Sites in respect of which the proposed development has the potential to have significant effects.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006) and Wicklow Mountains SAC (002122), in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.



In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

### **Environmental Impact Assessment**

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

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

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and 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 application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

### **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 proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. 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 that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

**Population and Human Health** – There will be residual significant positive impacts on population and human health due to the increase in housing stock within the local area.

**Material Assets, Cultural heritage and the Landscape** - Long term significant negative impacts on Mount Errol (a Protected Structure) and associated Stable Building have been mitigated by appropriate protections in place during the construction stage and by the overall design strategy proposed for the site, which seeks to preserve the setting of same. There will be residual significant positive impacts on visual amenity resulting from views towards the development from particular viewpoints. Furthermore, there will be residual significant positive impacts on architectural heritage resulting from the refurbishment and reuse of Mount Errol (a Protected Structure) and the Stables Building, and the opening up of views towards Mount Errol from Stillorgan Road.

**Biodiversity** – There will be residual short-term, significant, negative impacts on particular habitats (dry meadows and grassy verges, broadleaf and broadleaf/conifer woodland and hedgerow habitat) until the proposed planting and landscaping becomes established, subsequent to which there will not be any long-term significant impacts on habitats. Other potential significant impacts have been avoided through mitigation measures including measures to protect water quality at construction stage, replacement planting and pre-construction surveys (in relation to badgers).

**Land, Soil and Water** - Potential significant impacts at construction stage have been avoided through mitigation measures as set out in the EIAR and the Outline Construction Management Plan including measures to protect water quality at construction stage and measures into the handling, storage and disposal of water.

**Micro-Climate (Wind)** – Potential significant wind impacts on the café terrace adjacent to Block 5 have been avoided through mitigation measures as set out in the EIA, including wind canopies on Blocks 5 and 9.

**Conclusions on Proper Planning and Sustainable Development:**

The Board considered that the proposed development is acceptable in principle at this site with regard to the relevant zoning objectives of the Dublin City Development Plan 2022-2028. The proposed development would result in a significant contribution to the housing stock, in a time of housing need. The provision of a development of the nature and scale of proposed development at this location is desirable having regard to its location on a main thoroughfare into the city, close to Donnybrook Village, and within 3.5km of the City Centre. The density of the development was considered appropriate for this location particularly when combined with the nature and existing development within the wider area, which is characterised by large areas of low-density residential development on larger plots and therefore generally in accordance with the Dublin City Development Plan 2022-2028.

The scale of development is appropriate also having regard to the site's proximity to high, frequency, high-capacity bus services, and having regard to the existing pedestrian and cycle infrastructure facilities. In addition, the site is located within an area with a wide range of employment opportunities and social infrastructure facilities. The Board was satisfied that the height, bulk and massing, detailed design and layout of the scheme (excluding Block 5) are acceptable, and that furthermore, the proposed development would result in significant positive impacts on visual amenity of the area, when viewed from particular locations, and would result in significant positive impacts on architectural heritage, as a result of the proposed refurbishment and reuse of Mount Errol (a Protected Structure) and associated Stables building, as well as from the opening up of views toward same from Stillorgan Road. Overall, the Board was the view that the proposal complies with those performance criteria as set out in Tables 3 and 4 of Appendix 3 of the Dublin City Development Plan 2022-2028 having regard to the proposed 6 to 10 storeys proposed for Blocks 7, 8 and 9 considering the sites location and context. The proposed development also complies with the performance criteria as set out in Section 3.2 of the Urban Development and Building Heights, Guidelines for Planning



Authorities (2018). The Board was also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area, subject to conditions. The future occupiers of the scheme will also benefit from a high standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable and that there will be no significant adverse effects on the surrounding road network, subject to conditions. The Board also concluded that the proposed development was acceptable in all other respects.

### Conditions

1.	<p>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 and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The developers shall within 6 months of the date of this permission provide revised plans and drawing to the planning authority showing the omission of Block 5 for the proposed development.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development.</p>
3.	<p>The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development.</p>
4.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
5.	<p>The development shall be revised as follows:</p>

	<p>a) Privacy screens using obscure glazing or an alternative material and of a minimum height of 1.8m shall be provided to balconies on the side (east and west) elevations of Blocks 1, 2, 3, 4 and 10 where potential overlooking issues arise in relation to adjacent residential properties.</p> <p>b) The balcony railings to the first-floor rear apartments of Block 10 shall be replaced with obscure glass panels.</p> <p>Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.</p> <p><b>Reason:</b> In the interests of orderly development and the visual amenities of the area.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application 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.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
7.	<p>Prior to the commencement of the Build-to-Rent element of the development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the Build-to-Rent units permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual Build-to-Rent residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development of the area.</p>
8.	<p>Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation the Build-to-Rent scheme. Any proposed amendment or</p>



	<p>deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.</p> <p><b>Reason:</b> In the interests of orderly development and clarity.</p>
9.	<p>The communal resident facilities shall be occupied as part of the development and shall not be occupied as separate, commercial facilities. Details of the management and operation of same shall be submitted and agreed with writing with the planning authority prior to the operation of the facilities.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
12.	<p>Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling 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).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>

13.	<p>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. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
14.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
15.	<p>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 3 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. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.</p>
16.	<p><b>Open Space Management</b></p> <p>a) The applicant/developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime. rules and regulations including any byelaws for public open space of the Planning Authority at all times.</p> <p>b) <b>Tree Bond</b></p> <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted by the planning authority to secure the protection of existing trees to be retained on or adjacent the site and to</p>

make good any damage caused by construction, coupled with an agreement empowering the planning authority to apply such security or part thereof, to the satisfactory protection of any trees adjacent or on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species, or to apply to new tree planting in the local area. The amount of the security shall be determined by the Helliwell or Cavat method by the developer's arboriculturist. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of an agreement, shall be referred to An Bord Pleanala for determination.

c) Tree Protection

Prior to the commencement of development, the developer will retain the professional services of a qualified Arboriculturist throughout the life of the site development works. The Arboriculturist will advise and supervise all works associated or in proximity to the existing trees to ensure their retention and condition. All trees shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction as per BS 5837, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier and as recommended in the tree survey report and associated plans: (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

**Reason:** In order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.

17. Transport

- a) The applicant shall undertake to implement the measures outlined in the Mobility Management Plan including the Car Parking and Cycle Management Plan and to ensure that future tenants of the proposed development comply with these strategies. A Mobility Manager shall be appointed to oversee and co-ordinate the plan.



	<p>b) The applicant/developer shall liaise with NTA throughout the final design and construction process to ensure the development is compliant with and integrated with proposed Bray to City Centre Core Bus Corridor (CBC) along the Stillorgan Road.</p> <p>c) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, an agreed in writing with the planning authority prior to commencement of development. 1) Cycle parking shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided. Key/fob access should be required to bicycle compounds.</p> <p>d) Prior to the commencement of development, all works proposed on the public road, and any areas to be taken in charge shall be agreed in writing with the Environment &amp; Transportation Department. The applicant is advised that, in the event of a grant, all works to the public road shall be at the applicant's own expense. All works shall be fully completed prior to occupation of the residential and commercial units.</p> <p>e) Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.</p> <p><b>Reason:</b> In the interest of traffic safety and residential amenity.</p>
18.	<p><b>Demolition and Construction Environmental Managements Plans</b></p> <p>a) Prior to commencement of development, and on appointment of the demolition contractor, a Demolition Management Plan shall be submitted to the planning authority for written agreement. This plan shall have regard to Mitigation Measures outlined in the Environmental Impact Assessment Report, the Outline Construction Environmental Management Plan and the Outline Construction Traffic Management Plan and shall provide details of intended demolition practice for the development including traffic management, hours of working, noise, dust and drainage management measures and off-site disposal of construction/demolition waste. All HGV</p>

and general demolition traffic shall use the R138 Stillorgan Road, Airfield junction.

b) Prior to commencement of development and on appointment of a contractor, a Construction Environmental Management Plan having regard to Mitigation Measures outlined in the Environmental Impact Assessment Report, the Outline Construction & Environmental Management Plan and the Outline Construction Traffic Management Plan shall be submitted to the planning authority for written agreement. This plan shall include intended construction practice for the development including phasing and programme, hours of working, construction compound and materials storage, dust, noise and drainage management measures, waste management and off- site disposal, and all construction mitigation measures, and incorporate a construction traffic management plan. All HGV and general construction traffic shall use the R138 Stillorgan Road Airfield junction.

**Reason:** In the interest of public safety and residential amenity.

19. Conservation

a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works relating to the protected structure on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and facades, structure and/or fabric.

b) All works to the protected structures shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

c) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

	<p>d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.</p> <p>e) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structures and their setting.</p> <p>f) The fabric from the historic garden wall shall be incorporated into the new development in line with the recommendations in the Architectural Heritage Impact Assessment.</p> <p>Prior to commencement of development the applicant shall submit details, including relevant drawings, for agreement in writing with the Planning Authority, indicating how these requirements have been complied with.</p> <p><b>Reason:</b> To safeguard the special architectural interest of the protected structure on the site.</p>
20.	<p>Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Irish Water for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a satisfactory standard of development.</p>
21.	<p>The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
22.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
23.	<p>All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.</p> <p><b>Reason:</b> To comply with the Councils taking in charge standards.</p>
24.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts</p>



	<p>or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
25.	<p>The applicant/developer shall notify the Irish Aviation Authority of intention to commence crane operations with a least 30 days prior notification.</p> <p><b>Reason:</b> In the interests of aviation safety.</p>
26.	<p>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 -</p> <p>(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,</p> <p>(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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.</p>
27.	<p>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</p>

	<p>be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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.</p>
28.	<p>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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge</p>
29.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure, open space 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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board Member**



**Date:** 02/06/2023

Peter Mullan



