

An  
Bord  
Pleanála

**Board Direction**  
**BD-012756-23**  
**ABP-316108-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/07/2023.

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 location of the site in an area where residential development is permitted under zoning Z12 and Z1 in an area designated SDRA16 under the Dublin City Development Plan 2022-2028.
- b) the policies and objectives of the Dublin City Development Plan 2022-2028;
- c) the nature, scale and design of the proposed development and the availability in the area of infrastructure;
- d) the pattern of existing and permitted development in the area;
- e) the planning history of the site and the zoning of adjacent lands;
- f) the provisions of Housing for All, A New Housing Plan for Ireland 2021;
- 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) 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 issued by the Department of the Environment, Community and Local Government 2020;
- j) 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 in March 2013;
- k) The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- l) The Architectural Heritage Protection Guidelines for Planning Authorities 2011;
- m) The provisions of the Climate Action Plan 2023;
- n) The policies and objectives set out in the National Planning Framework;
- o) The policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly;
- p) The EIAR submitted with the application;
- q) The grounds of appeal received;
- r) The observations received;
- s) The submission from the Planning Authority,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, 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**

### **Appropriate Assessment: Stage 1**

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 in a serviced urban area, the Natura Impact Statement Report and other documentation submitted with the application to Dublin City Council, the Inspector's report, and submissions on file received at application and appeal stage. 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.

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### **Environmental Impact Assessment**

The Board completed, in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the grounds of appeal, the submissions from the planning authority, the prescribed bodies and third parties in the course of the application and appeal, and
- (d) the Inspector's report.

### **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 impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area. After implementation of these measures there is no risk of significant negative residual effects.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust

to air during construction. After implementation of these mitigation measures there is no risk of significant negative residual effects.

- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential indirect effects on water which would be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- A positive effect on landscape and visual impact of the wider area as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Cultural Heritage and archaeology would be mitigated by the use of pre-construction trench testing and there is no risk of significant negative residual effects.

- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area. With mitigation in place no significant residual impacts will result.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in each chapter of the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

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

The Board considered having regard to the zoning objectives for the site as set out in the Dublin City Development Plan 2022-2028, the pattern of existing development in the immediate vicinity of the site, the EIAR submitted with the application to Dublin City Council and subsequent Environmental Impact Assessment and Appropriate Assessment Screening in the Inspectors Report, the location in the outer suburbs of Dublin City and a reasonable walking distance of services and amenities, it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, and in terms of pedestrian and traffic safety. It was also concluded that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere. The proposed development would, therefore, subject to compliance with the conditions set out below, be in accordance with the proper planning and sustainable development of the area.

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 considered that stage 2 appropriate assessment is not therefore required and, on that basis, there is no reliance on the NIS, and the Inspectors condition number 9(b) "*Provision for mitigation measures described in the approved NIS;*" is therefore not required. Furthermore, the Board shared the concerns and recommendation of Dublin City Councils Air Quality Monitoring & Noise Control Unit to assess the potential noise impacts from the adjoining M1 interchange and roads, particularly in regard to the private open space on block numbers BA01, BA02 and BA03.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by Dublin City Council on the 21<sup>st</sup> day of December 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report and Construction Environmental Management Plan with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of avoiding adverse impacts on the receiving environment, protecting the environment and in the interest of public health.

3. Prior to the commencement of development, the developer shall carry out an assessment of the impact of noise on the private open spaces on block numbers BA01, BA02 and BA03 the results of which shall be submitted to the planning authority. The applicant shall, if required, propose and submit details of mitigation measures to ameliorate any noise issues arising from such assessment to the planning authority for written agreement.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application and appeal, 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.

5. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority/An Bord Pleanála prior to commencement of any development.)

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

6. All links/connections to adjoining lands (within and outside the applicants' control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

**Reason:** In the interest of permeability and safety.

7.

- a. Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the



hedge for its full length and shall be maintained until the development has been completed.

- b. No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- c. Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected, and all branches are retained.
- d. No trench, embankment or pipe run shall be located within three metres of any trees/hedging which are to be retained on the site.

**Reason:** To protect trees/hedgerow and planting during the construction period in the interest of visual amenity.

8. 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.

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

9. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of /installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed is made available for occupation.

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

10. The construction of the development shall be managed in accordance with a Construction Environmental 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. A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b. Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- c. Location of areas for construction site offices and staff facilities;
- d. Details of site security fencing and hoardings;
- e. Details of on-site car parking facilities for site workers during the course of construction;
- f. 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;
- g. Measures to obviate queuing of construction traffic on the adjoining road network;
- h. Details of lighting during construction works;
- i. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- j. Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- k. Provision of parking for existing properties at during the construction period;
- l. Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- m. 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;

- n. Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- o. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- p. 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, public health and safety.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 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.

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

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

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

13. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

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

14. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has 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.

15. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

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

16.

- a. The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- b. Details of the management company contract, and drawings/particulars describing the parts of the development for which the 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.

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

17. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. 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. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

18.

- a. All trees shall be inspected by a suitably qualified expert for bats prior to felling. In the event a roost is found the developer shall require a derogation license from the National Parks and Wildlife Service.
- b. Bat and bird boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.
- c. Any clearance of vegetation from the site should only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.

**Reason:** To avoid the destruction of the nests, nestlings and eggs of breeding birds and to avoid the proposed development causing detrimental effects on flora, fauna and natural habitats.

19. Prior to the occupation of the residential units, a Mobility Management Strategy 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. 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.

20. No advertisement or advertisement structure shall be erected or displayed on the buildings (or within the curtilage of the site) in such a manner as to be

visible from outside the building, unless authorised by a further grant of planning permission.

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

21. The developer shall engage the services of a suitably qualified archaeologist to co-ordinate the archaeological mitigation measures (preservation in situ, preservation by record and archaeological monitoring).

The archaeologist shall provide detailed plans for the preservation in situ, conservation and preservation of archaeological features outside the public space and the archaeological monitoring of all ground disturbance aspects of the development.

The plans for the preservation of the enclosure and excavation of other features shall be agreed within the planning authority in writing prior to the commencement of construction works. Should previously unidentified archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped pending a decision of how best to deal with archaeology.

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,
- 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.

22. Proposals for a naming and 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 apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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.

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

24. 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.

25. A plan containing details for the management of waste (and, in particular, recyclable materials) 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 shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

26. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

27.

- a. Crane activities at the site shall be coordinated with Dublin Aviation Authority at least 90 days in advance for assessment of proposed crane activities.
- b. Prior to the commencement of development an aviation obstacle warning lighting scheme for the development shall be agreed with the Dublin Aviation Authority.

**Reason:** In the interests of aviation safety.

28.

- a. Prior to the commencement of development, plans and details identifying the M50, Port Tunnel and associated infrastructure and structures including drainage locations relative to the proposed development at construction and operation stages shall be submitted to



the planning authority for written agreement subject to written consultation with TII.

- b. Prior to the commencement of development, a Construction Method Statement shall be submitted for the written agreement of the planning authority subject to written consultation with TII. The method Statements shall address all network interface issues and shall include a risk assessment to be prepared in written consultation with TII for works associated with interfaces where required.
- c. the Construction Environmental Management Plan, including the outline Construction Traffic Management Plan shall be updated to include the national road network and TII amongst the existing infrastructure and infrastructure providers for dedicated consultation and mitigation. The updated Construction and Environmental Management Plan and Construction Traffic Management Plan including access to services, shall include the Construction Method Statement for national roads and submitted for written agreement by the planning authority.

**Reason:** In the interests of protecting the safety, efficiency and carrying capacity of the national road network.

29. Prior to the lodgement of a commencement notice, 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 accordance with the requirements of section 75(3) and (4) of the Land Development Agency Act 2021. In default of such agreement, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part 9 of the Land Development Agency Act 2021.

30. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each housing unit, pursuant to Section 47 of the Planning and Development

Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing 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.

31. Prior to commencement of development, the developer 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 plan of the area.

32. 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.

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

**Board Member**

  
Stephen Bohan

**Date:** 05/07/2023