

An
Bord
Pleanála

Board Direction
BD-019365-25
ABP-321419-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/04/2025.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

The Board performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the most recent approved, climate action plan, national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans, the furtherance of the national climate objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State); and in coming to its decision, the Board had regard to and as relevant been consistent with, the following:

- a) Policies and objectives set out in the National Planning Framework 2040 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the South Dublin County Development Plan 2022-2028, including the zoning objectives for the subject site, and the permitted uses therein.
- c) Housing for All, A New Housing Plan for Ireland, 2021.
- d) The objectives and targets of the National Biodiversity Plan 2023-2030.

- e) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- f) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- g) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018 as amended.
- h) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- i) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- j) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- k) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- l) Development Management, Guidelines for Planning Authorities, 2007.
- m) The nature, scale, and design of the proposed development.
- n) The availability in the area of a range of existing and planning social, community, and transport infrastructure.
- o) The pattern of existing and permitted development in the area.
- p) The planning history at the site and within the wider area
- q) The design and layout principles and associated provisions of the Oldcourt-Ballycullen Local Area Plan 2014 (as extended).
- r) The reports of the planning authority.
- s) The submissions received by the planning authority from observers and prescribed bodies.
- t) The grounds of appeal.
- u) The responses to the grounds of appeal by the planning authority and the applicant.
- v) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment.

Appropriate Assessment: Stage 1:

The Board considered the Natura Impact Statement submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on neighbouring European Sites. The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Glenasmole Valley Special Area of Conservation (Site Code 001209) and the Wicklow Mountains Special Area of Conservation (Site Code 002122) are the only European Site's in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required. It should be noted that the Board identified a typographical error in section 9.3 of the Inspectors Report, where the word 'not' was inadvertently omitted, the inclusion of which would be in keeping with the assessment and conclusion of the Inspector.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the Glenasmole Valley Special Area of Conservation (Site Code 001209) and the Wicklow Mountains Special Area of Conservation (Site Code 002122) in view of these 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 site-specific Conservation Objectives for the European Sites,

(ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and

(iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted 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.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of these European Sites in view of the sites' Conservation Objectives. This conclusion is based on:

- (a) A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Glenasmole Valley Special Area of Conservation (Site Code 001209) and the Wicklow Mountains Special Area of Conservation (Site Code 002122).
- (b) Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- (c) The Appropriate Assessment undertaken by the planning authority.
- (d) No reasonable scientific doubt as to the absence of adverse effects on the integrity of these European Sites.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) The nature, scale, location, and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted with the application and the appeal response;
- (c) The content of the appeal, the reports of the planning authority, and the submissions received from third parties and prescribed bodies; and
- (d) The report of the Planning Inspector.

The Board considered that the Environmental Impact Assessment Report (EIAR) , supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board 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 planning 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 these are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows;

- Positive socioeconomic effects on population and human health associated with increased employment and demand for services during the construction

phase, the availability of additional housing and a childcare facility when complete and the provision of public open space areas.

- The potential for significant negative population and human health effects associated with nuisance/disturbance during the construction phase will be addressed through construction management mitigation measures and will not result in any unacceptable residual effects.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of greenfield site to residential use. Given the zoning of the subject site, which has been subject to SEA; the location of the site, on the periphery of the built-up area; and the public need for housing in the region, this effect would not have a significant negative impact on the landscape character and surrounding environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- The potential for significant effects on biodiversity and landscape which will be satisfactorily mitigated through the retention of existing vegetation and the completion of additional landscaping and surface water features and will not result in any unacceptable residual effects.
- There is potential for significant contamination effects on groundwater and surface water as a result of construction activities and the discharge of surface water on/from the site, along with the potential for interactions with biodiversity, land/soil/geology, hydrology/hydrogeology and existing utility services. This will be satisfactorily mitigated through best practice construction management measures and the implementation of an appropriately design Sustainable Urban Drainage System and will not result in any unacceptable residual effects.

- Potential indirect effects on water which will 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.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan, including a monitoring programme.
- Potential effects on waste management during construction and operation will be mitigated by a Construction and Environmental Management Plan, a Construction Demolition Waste Management Plan and an Operational Waste Management Plan.
- Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a Construction and Environmental Management Plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design.
- Archaeology and Architectural Heritage would be mitigated by landscaping/design and the conducting of pre-construction testing, given the location of the site adjacent to an urban area no significant adverse direct, indirect or cumulative effects are likely to arise.

Conclusions on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the relevant provisions of the South Dublin County Development Plan 2022-2028, and would constitute an acceptable mix and quantum of residential development at this zoned location, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documentation on file. First off, the Board noted and shared the opinion of the inspector that in substantive terms, the proposed development overall would be consistent with the proper planning and sustainable development of the area, by reference to matters such as density and building height, access, traffic and parking, social infrastructure provision, design and layout, residential amenity, open space and tree/hedgerow conservation, surface water drainage, aviation, public art, waster framework directive screening and duration of permission sought (sections 8.2 to 8.8 of the inspector's report refer). The Board also agreed with the conclusions of the inspector by reference to Appropriate Assessment and Environmental Impact Assessment.

The sole concern of the inspector related to the full wording of the RES-N zoning which relates to the majority of the subject site, which has the objective, to provide for new residential communities in accordance with approved area plans'. The Board considered the facts of the case, along with the detail of the overall statutory development plan. In this regard the Board noted that the development plan does not set out what approved area plans may mean in terms of precise procedural exercises, and whether for example, any such approved plan might relate to a specific application site and project, or to an overall identified zoned land area and

what form approval of any such area plan should take (for example it may be a plan conceived by the applicant, perhaps with input from the planning authority and noted by the Council). Furthermore, and in any case the Board noted that the subject site and wider lands also zoned RES-N have previously been the subject of a formally adopted Local Area Plan (LAP), statutorily approved, which provides a fully usable base of detail for the rational layout and design of these subject lands. While this plan may have recently expired, it is evident from the detail within the application and appeal, that the proposed development has evolved in accordance with the principles set out therein. Indeed, it is noted that planning permissions have been granted both on the subject site and within the wider area for schemes which reflect the content of this LAP. It is also noted that the current county development plan incorporates a specific road objective across the subject site. This road objective reflects that set out in the LAP; a previous permission was secured for the road and this forms part of the overall proposal under the current application. In this regard the Board determined that it is reasonable to deduce that the LAP is in the manner of an approved area plan within the overall meaning of development plan zoning objective RES-N and on the facts of this case which propose a development which reflects the layout and design principles from that area plan, that a grant of permission in this instance is warranted and would not be inconsistent with the spirit and intent of the overall wording of zoning objective RES-N. This reasonable conclusion is affirmed by reference to case precedent on separate lands also zoned RES-N and as determined by the planning authority. Planning permission LRD23A/0001 was granted by South Dublin County Council in 2023. The planning officer's report in that case noted that a Local Area Plan that was approved for the area within which that application site was located had expired in 2022. The planning authority stated that 'a new plan has not yet been formulated for the area however, the scheme has evolved in accordance with the Fortunestown LAP, and it is considered that this satisfies the requirements of the RES-N zoning objective'. This is considered a reasonable and appropriate approach consistent with the principles of proper planning and sustainable development and fully allowable by reference to the broad meaning of the full wording of RES-N. That LRD case as determined by the planning authority, offers an appropriate definition of approved area plan for the purposes of the RES-N zoning objective. The Board considered that the current case is comparable.

In reaching its decision, the Board also noted and agreed with the decision of the planning authority that the proposed development would be consistent with the provisions of the county development plan 2022-2028; that the zoning of the site permits residential development; that the Core Strategy and Housing Capacity set out within the development plan includes reference to RES-N lands as part of the zoned land resource allocated for housing development. Furthermore, the Board noted that the Oldcourt-Ballycullen Local Area Plan, which was approved, while now expired, offers a key set of layout and design principles, from which the proposed development has evolved. It is also noted that any approved area plan in whatever meaning, including an adopted LAP will always be subservient to the policies and objectives of the statutory development plan.

In conclusion the Board concluded, differently to the recommendation of the inspector, that the proposed development, on its facts and by reference to the overall meaning of the zoning objective and associated provisions of the statutory development plan, can be deemed to comply with the zoning objective in this instance. The proposed development is located on lands the zoning of which facilitates its use for housing, and having regard to the nature, scale, form and extent of development, it is considered to be in accordance with the proper planning and sustainable development of the area.

Conditions

ATTACH CONDITIONS AS FOLLOWS

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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Duplex Unit 7, of Apartment Block B2 shall be omitted. Revised plans and particulars shall be submitted to the planning authority showing the removal of this unit.

(b) The north facing bedrooms at second floor level of house types A and A1 shall incorporate a façade window.

Reason: In the interest of residential amenity.

3. Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the planning authority, the following amended plans:

(a) An updated version of the 'Proposed Elevations and Section, Block B Drawing' and relevant Site Layout Plans showing the two storey house types replaced with a house type that allows a more gradual transition with the adjoining three storey units.

(b) Revised plans showing a pedestrian access gate (for use by pedestrians and cyclists) installed on the northern boundary of the site where it abuts

the adjoining 'OS' lands. This gate shall be maintained in perpetuity to facilitate a potential pedestrian and cycle link through this land to Ely View.

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

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

5. Prior to commencement of development, the developer shall appoint a suitably qualified Landscape Architect as a Landscape Consultant for the duration of the construction and advise the planning authority (Public Realm) of same in writing prior to commencement. A Practical Completion Certificate, signed by the Landscape Architect, shall be provided to the planning authority (Public Realm) upon the satisfactory completion of all landscape works.

Reason: In the interests of the visual amenities, landscape quality and green infrastructure of the areas, as well as orderly development.

6. (a) The developer shall engage a suitably qualified and licensed archaeologist to monitor all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. following consultation with the planning authority. Prior to the commencement of such works the archaeologist shall consult with and forward to the local authority archaeologist or the NMS as appropriate a method statement for written

agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

- (b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

- 7. The proposed development shall be carried out on a phased basis. Details of the phasing scheme including the construction and occupation of the creche, shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

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

- 8. The mitigation measures contained in the submitted Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) shall be

implemented.

Reason: To protect the integrity of European Sites.

9. 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 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.

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

11. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed with the planning authority and shall be

maintained as public open space by the developer until taken in charge by the local authority.

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

12. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

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 for such works and services.

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

14. Prior to the commencement of development, the developer shall submit the following for the written agreement of the planning authority:
 - (a) Details of any advertisements/signage relating to the childcare facilities hereby permitted. The developer shall ensure that any signage conforms with the guidance provided in Section 12.5.7 and Table 12.19 of the 2022-2028 county development plan.
 - (b) The level of illumination of any lighting proposed for signage shall be reviewable at any time by the planning authority, and adjustments shall be made by the applicant at their own expense if required to do so by the planning authority.

Reason: in the interests of visual amenity.

15. Prior to the new northwest entrance point onto the Bohernabreena Road first coming into use (during either the construction or operational phase of the development), the developer shall:
- (i) Submit details for the written agreement of the planning authority (Roads) to resolve the concerns raised in Section 3.9 of the Stage 1 and 2 Road Safety Assessment (RSA).
 - (ii) Undertake a Stage 3 RSA and Stage 4 RSA.
 - (iii) Submit the Stage 3 RSA and Stage 4 RSA to the planning authority Roads Department, for written agreement, showing how the concerns identified in Section 3.9 of the Stage 1 and 2 RSA will be overcome.

Reason: In the interest of pedestrian and vehicular safety.

16. Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

17. The measures included within the Arboricultural Assessment and Tree Protection Plan, submitted with application, shall be implemented in full by the applicant, unless otherwise agreed with the planning authority. Any trees, shrubs, or hedges planted that are removed, die, suffer damage, or become seriously diseased within three years of planting shall be replaced in the following planting season with similar size and species as initially required.

Reason: To protect the trees, shrubs and hedgerows specified and to ensure that the development retains a high standard of design, layout and amenity in accordance with planning authority requirements.

18. Prior to the completion of the 3rd phase of development as per supporting phasing map (drawing reference 2205-MP12-), the development shall submit details for the written agreement of the planning authority (Arts Office) of the provision of an artistic physical feature at the subject site to improve the built environment/public realm, which could include high quality features within the environment/landscaping. The agreed physical feature shall be completed prior to the completion of the third phase of development. The developer is advised to liaise with the SDCC Arts Office in relation to the commissioning process and a potential open competition to artists.

Reason: In the interests of orderly development, and to comply with COS11 Objective 3 of the current county development plan.

19. Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the planning authority, following consultation with the Public Realm Section where necessary, a fully detailed play design plan. Play areas to include a range of natural play elements and equipment suitable for children between 0-12 and include universally accessible equipment. All play equipment and ancillaries shall conform to European Standards EN 1176-1-11 and EN 1177. The play design plan shall be implemented in accordance with the agreed details.

Reason: To uphold the policies of the South Dublin County Development Plan 2022-2028 relating to Children's play, and to provide for the proper planning and sustainable development of the area.

20. The construction of the development shall be managed in accordance with a 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 provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers;
- (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 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 mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

Reason: In the interest of environmental protection, residential amenities, public health and safety, and environmental protection.

- 21. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

- 22. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

- 23. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which

section 96(7) applies) shall 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 for the area.

24. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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 placenames for new residential areas.

25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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 prior written approval has been received from the planning authority.

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

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 Environmental Protection Agency'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 proper planning and sustainable development.

27. (a) 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 house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47

agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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.

28. 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.

29. Prior to commencement of development, the developer shall lodge a contribution in lieu of the provision of community floorspace as referenced in the Ballycullen-Oldcourt Local Area Plan, 2014, and supporting 2022-2028 South Dublin County Development Plan in relation to same, the developer shall pay to the Planning Authority a financial contribution towards the delivery of upgrades, extensions and/or new community centres in the area. The financial contribution is in lieu of the provision of community floorspace on-site. 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.

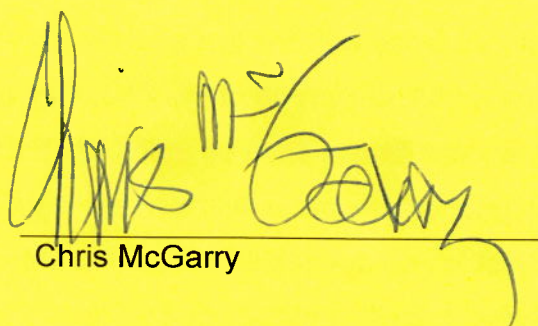
Reason: To provide for community floorspace in accordance with Policy COS 3, Objective COS3 Objective 1, Objective 2 and Objective 3 of the South Dublin County Development Plan 2022-2028.

30. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Note: the Board noted a recommendation of the inspector to seek a repositioning of the childcare facility's bin/bike storage building, closer to/be encapsulated within the childcare building. The distance is some 14 metres north of the childcare building. The Board considered however, that this distance was reasonably proximate and having regard to the overall layout and design in this area of the scheme that a repositioning was not warranted.

Board Member



Chris McGarry

Date: 02/04/2025