



An
Coimisiún
Pleanála

Direction
CD-020669-25
ABP-322195-25

The submissions on this file and the Inspector's report were considered at meetings held on 16/07/2025, 18/07/2025, 12/08/2025, 11/09/2025 and 15/09/2025.

At the Commission meeting held on 11/09/2025, the Commission made a determination in relation to this case. Subsequently, it became clear that owing to inadvertence, on 11/09/2025, a validly received observation from Sheena Gunning had not yet been placed on the file, and therefore this observation had not been available to the Commission on the date of that meeting.

The Commission decided to reconvene at a meeting held on the 15/09/2025, to review and consider the content of this observation, before it then reached a final overall determination of the case, on 15/09/2025.

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

Planning

Commissioner:


MaryRose McGovern

Date: 15/09/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission made its decision, consistent with:

- a) Relevant provisions of the Climate Action and Low Carbon Development Act 2015, as amended.
- b) Climate Action Plans 2024 and 2025.

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

- a) Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Dún Laoghaire Rathdown County Development Plan 2022-2028 including the location of the site on lands subject to Zoning Objective 'A' and the permitted uses therein.
- c) Provisions of the Kiltiernan-Glenamuck Local Area Plan 2025, including the designation of the site within 'Site Development Framework 8' and the objectives pertaining to the development of the lands therein.
- d) Housing for All, A New Housing Plan for Ireland, 2021.
- e) National Biodiversity Plan 2023-2030.
- f) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- g) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- i) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- j) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- k) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.

- l) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- m) Development Management, Guidelines for Planning Authorities, 2007.
- n) The nature, scale, and design of the proposed development.
- o) The availability in the area of a range of social, community, and transport infrastructure.
- p) The pattern of existing and permitted development in the area.
- q) The planning history at the site and within the area.
- 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 response to the grounds of appeal by the planning authority and the applicant.
- v) The submission received from the applicant on the 11th day of August 2025, in response to further information requests made by the Commission to the applicant under Article 73A (1) (a) of the Planning and Development Regulations 2001, as amended, and to the planning authority under Section 132 of the Planning and Development Act 2020, as amended, together with subsequent submissions received from the parties on the 2nd day and 3rd day of September 2025.
- w) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment.

Appropriate Assessment Screening

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Commission adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment screening determination of the proposed development, with regard being had to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, in particular to the nature and scale of the proposed residential development (which is below the mandatory thresholds for Class 10(b)(i) and Class 10(b)(iv) of the 2001 Regulations), the greenfield nature of the site and its location in an outer suburban area which is served by public services and infrastructure, the absence of any significant environmental sensitivity in the vicinity, the location of the development outside of any sensitive location specified in article 109(4)(a) of the 2001 Regulations, the results of other relevant assessments of the effects on the environment submitted by the applicant, the results of the strategic environmental assessment of Dún Laoghaire Rathdown County Development Plan 2022-2028 and Kiltiernan-Glenamuck Local Area Plan 2025 undertaken in accordance with the SEA Directive (2001/42/EC), and the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

in completing the screening determination, the Commission adopted the report of the Planning Inspector and concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Water Status Impact Assessment Screening

The Commission completed a Water Status Impact Assessment screening exercise with regard being had to the objectives of Article 4 of the Water Framework Directive, taking into account the nature of the proposed development, site and receiving environment, the hydrological and hydrogeological characteristics of proximate waterbodies, the absence of any meaningful pathways to any waterbody, the standard pollution controls and project design features, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report.

In completing the screening exercise, the Commission adopted the report of the Planning Inspector, and concluded that proposed development will not result in a risk of deterioration to any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its Water Framework Directive objectives, and that a Water Status Impact Assessment would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

Having regard to the policies and objectives of the Dún Laoghaire Rathdown County Development Plan 2022-2028, in particular the zoning of the site as Objective A (To provide residential development and improve residential amenity while protecting the existing residential amenities), Policy Objectives BHS 2 and BHS 3 regarding building height, and Section 3.3 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024, which require densities in the range of 40 – 80 dwellings per hectare (dph) for sites in “City – Suburban/Urban Extension” locations of Dublin City and suburbs, the Commission

considers that, subject to compliance with the conditions set out below, the proposed development would result in an appropriate density of residential development, would constitute an acceptable mix and quantum of residential development within a mix of building heights and with a variety of building typology, 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 result in serious pollution to biodiversity, lands, water, or air, 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 without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission noted that the Kiltiernan-Glenamuck Local Area Plan 2025, which came into effect on 17 July 2025, contains site specific objectives for the subject site, including Density Objective SDF8-5 which seeks “Generally, 40 dph”, and Height Objective SDF8-4, which requires a maximum of 4 storeys, but with heights of buildings located in the eastern portion of the site to be restricted because of the elevated nature of the site. The Commission noted that the appellants raised concerns regarding a material contravention of the Dún Laoghaire Rathdown County Development Plan 2022-2028, in respect of building height, and also raised conflicts with the density and height objectives of the Local Area Plan. In that context, the Commission noted the observation of the Inspector regarding the proximity of the tallest proposed buildings, to the eastern boundary (Blocks B.01 (5 storeys), D.01 and D.02 (4 storeys)) and the Inspector’s recommendation that in the event of a grant of permission, amendments should be applied by condition, to ensure full consistency with the provisions of the Local Area Plan.

The Commission noted the submission of the Applicant that where there is a conflict between a local area plan and a development plan, it is the latter which takes precedence. The Commission also noted that the Inspector did not identify any measurable impacts (such as overbearance or overlooking) which would be caused by proposed Blocks B.02 (5 storeys), B.01 (5 storeys), D.01 or D.02 (4 storeys). Having regard to the apparent conflict, however, between the proposed development and the the site specific height and density objectives for the subject lands, under the

Kiltiernan-Glenamuck Local Area Plan 2025, the Commission considered it appropriate to engage further with the issues arising, and on the 21st day of July 2025, it made further information requests to the applicant under Article 73A (1) (a) of the Planning and Development Regulations 2001, as amended, and to the planning authority under Section 132 of the Planning and Development Act 2020, as amended, seeking their respective positions regarding this updated LAP context. Following receipt of a response from the Applicant, this was circulated to the parties, and the content of the applicant's response and the additional submissions received from the parties in reply, formed part of the Commission's consideration of this appeal.

The Commission was ultimately satisfied that the applicant demonstrated justification for the proposed building heights of 2 to 5 storeys, having regard to the details supplied in accordance with Table 5.1 of Appendix 5 of the Dún Laoghaire Rathdown County Development Plan 2022-2028. In addition, although the density of the proposed development at 52 dph, was in excess of the general figure specified in Objective SDF8-5 of the Kiltiernan-Glenamuck Local Area Plan 2025, the Commission noted that it was nevertheless within the range of 40-80 dph for sites in "City – Suburban/Urban Extension" locations of Dublin City and suburbs, and was satisfactory having regard to the overall location, quality and design of the proposed development.

Whilst the proposed development would give rise to a material contravention of the the site specific height and density objectives for the subject lands, under the Kiltiernan-Glenamuck Local Area Plan 2025, nevertheless, on the facts of the case, and having regard to the overall statutory development plan context,, the applicable national guidance, the totality of the documentation submitted by the parties, and noting the quality and design of the proposal, and the emerging urban context of the locality, the Commission was satisfied that the proposed development would be in accordance with the proper planning and sustainable development of the area. In reaching this determination, the Commission noted and shared the opinion and conclusion of the planning authority that, while the overall height of the proposed development is in excess of 4 storeys, at 5 storeys, the subject site is capable of accommodating the increased height due to the size of the site, and the separation distances afforded to existing dwellings in the vicinity and by utilising the existing

topography to enhance the character of the area. The Commission did not therefore consider it appropriate to amend the proposed development by condition to omit a floor from Block B.01, Block B.02, Block D.01 or Block D.02.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, as amended by the further information plans and particulars submitted to the planning authority on the 13th day of February 2025, 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. The period during which the development hereby permitted may be carried out shall be 7 years from the date of this order.

Reason: Having regard to the nature of the development and the complexities of construction, the Commission considers it appropriate to specify a period of validity of this permission, in excess of 5 years.

3. The proposed development shall be amended to provide for the following:
 - (a) The roof profile of the duplex units altered from a flat roof profile to a pitched profile with dormer features, or as otherwise agreed with the planning authority
 - (b) The reconfiguration of the route of pedestrian path (on the southern side of the access road, in the west of the development) so as to align with the curvature of the access road and extend through the adjacent green space.

- (c) Details of access to the external storage located in Apartment Building B.01.

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

Reason: In the interests of improving the public realm layout and the proper planning and sustainable development.

4. a) Mitigation and monitoring measures outlined in the plans and particulars, including the preliminary Construction and Environmental Management Plan, Noise and Vibration Impact Assessment Report, Ecological Impact Assessment, Habitat and Species Management Plan, Arboricultural Assessment, Hydrological and Hydrogeological Risk Assessment, and Flood Risk Assessment, submitted with the application, shall be carried out in full, except where otherwise required by conditions attached to this permission.
- b) Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation and monitoring measures from the named reports and a corresponding timeline/ schedule for implementation of same to the planning authority for its written agreement.

Reason: In the interest of clarity and to protect the environment and public health.

5. a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, and/ or dredging associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- b) The method statement for the archaeological monitoring shall include a methodology for the preservation by record of the burnt mound material that was identified during archaeological testing under Licence 25E0094.

c) 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 Department of Housing, Local Government and Heritage, regarding appropriate mitigation [preservation in-situ/ excavation].

d) 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 Department of Housing, Local Government and Heritage, shall be complied with by the developer.

e) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the Department of Housing, Local Government and Heritage 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.

6. Prior to the commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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.

7. 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, but not limited to:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- b) Location of areas for construction site offices and staff facilities.
- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during the course of construction.
- e) 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 Environmental Management Plan shall be kept for inspection by the planning authority.

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

8. Prior to commencement of development, proposals for a development name and numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. 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 for new residential areas.

9. a) 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.

b) Details of security shuttering, external lighting, and signage for the childcare facility shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

c) Details of a maintenance strategy for all external finishes to the proposed buildings shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

d) Details of the location, types, textures and finishes of all proposed boundary treatments within the scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

In default of agreement of any (a)-(d) above, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity and orderly development.

10. a) 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 to be protected in the Tree Protection Plan Dwg No. CBG003 and proposed tree planting in Landscape Plan Dwg No. 2001 as lodged with the application.

b) The design of the lighting scheme shall be approved of by a suitably qualified bat specialist. The details of the lighting scheme, including written evidence indicating approval by the bat specialist, shall be submitted to and agreed in writing with the planning authority prior to commencement of development/ installation of lighting.

c) The agreed lighting system shall be fully implemented and operational prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

11. a) Prior to commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann, to provide for service connections to the public water supply and/ or wastewater collection network and adhere to the standards and conditions set out in that agreement.

b) All development shall be carried out in compliance with Uisce Eireann codes and practices.

Reason: To provide adequate water and wastewater facilities in the interest of public health.

12. Prior to the commencement of development, a phasing programme for construction and making available for use of the childcare facility shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of orderly development and to ensure the timely provision of amenities and infrastructure for future residents.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 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 residential amenities of property in the vicinity.

14. 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.

15. 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.

Reason: In the interests of visual and residential amenity.

16. Prior to commencement of development and/ or occupation of the residential units, as applicable, final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, pedestrian/ cycle path layouts, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of traffic, pedestrian and cyclist safety, and sustainable transport.

17. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off

area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of traffic and pedestrian safety.

18. a) Prior to the commencement of development, the applicant shall submit to the planning authority for its written agreement, appropriately scaled drawing(s) with all car, motorcycle, and bicycle parking spaces intended for use by each residential unit, visitor use, and childcare facility use (customers and staff). The spaces shall be clearly identified, numbered, and of a design, construction and finish that is to the satisfaction of the planning authority.

b) The car parking spaces for visitor use shall be assigned permanently for the residential development and shall be reserved solely for that purpose.

c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall indicate how car parking spaces within the development shall be assigned, segregated, and continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the residential development.

19. A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted

requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

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

20. a) All links and connections (vehicular, pedestrian) to adjoining lands shall be provided up to the site boundaries to facilitate future connections subject to the appropriate consents.

b) All pedestrian pathways (within the development) and connectivity links (to and/ or from the development) shall be ungated, free of any physical or operational impediment, and fully accessible to the general public (7 days of the week and 24 hours of the day).

c) Prior to the commencement of development, a phasing programme for construction and making available for use of the connectivity links to Springfield Lane and Rockville Green shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of permeability and safety.

21. a) The management and maintenance of the 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 so taken in charge.

b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.

c) 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: In the interests of orderly development and to provide for the satisfactory future maintenance of this development.

22. a) The areas of communal and public open space in the development shall be reserved for such use, levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the landscaping plans and particulars as submitted with the application unless otherwise agreed with the planning authority.

b) Final design, finishes, methods of construction and/ or installation of footpaths, cycle paths, seating, crossing points over ditches/ drains/ SuDS features, and equipment in play areas shall be submitted to the planning authority for its written agreement.

d) The landscaping and planting schedule shall be managed and maintained in accordance with the Landscape Design Rationale and landscaping plan(s) submitted with the application, unless otherwise agreed in writing with the planning authority. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

d) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the local authority.

Reason: In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the open space areas and their continued use for this purpose.

23. a) No additional development shall take place above roof parapet level of the apartment or duplex blocks, 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.

b) Roof areas of the apartment blocks shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose.

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

24. a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities, shall be submitted to and agreed in writing with the planning authority, not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed OWMP.

b) The OWMP shall provide for screened bin stores for the apartment and duplex blocks, and the childcare facility, the locations and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.

25. 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 sections 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 Coimisiún Pleanála for determination.

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

26. a) Prior to the commencement of any house or duplex unit in 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 houses and duplex units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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 specified house or duplex unit 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.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance

until taken in charge by the local authority and/ or management company 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

29. The developer shall pay to the planning authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made

by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

30. The developer shall pay to the planning authority a financial contribution, in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.