



An
Coimisiún
Pleanála

Direction
CD-021228-25
ACP-323142-25

The submissions on this file and the Inspector's report were considered at a meeting held on 10/11/2025.

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:

Liam McGree

Date: 11/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

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

- (a) the nature, scale, and extent of the proposed development and the pattern of existing development in the area;
- (b) the provisions of the Project Ireland 2040 National Planning Framework;
- (c) the provisions of Housing for All – A New Housing Plan for Ireland to 2030 (2021);
- (d) the provisions of the Climate Action Plan (2025);

- (e) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered;
- (f) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024);
- (g) the provisions of the Urban Development and Building Height Guidelines for Planning Authorities (December 2018);
- (h) the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009);
- (i) the Site Specific Flood Risk Assessment (SSFRA) submitted by the applicant and the related flood mitigation measures as proposed;
- (j) The 'Hydrological and Hydrogeological Risk Assessment Report' (HHRAR) dated April 2025,
- (k) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023);
- (l) the provisions of the Dublin City Development Plan 2022 including the 'Z1 – Sustainable Residential Neighbourhoods' and 'Z9 – Amenity/Open Space Lands/Green Network' zonings for the site;
- (m) the documentation submitted with the planning application, and the third-party grounds of appeal;
- (n) the submissions and observations received on file including from the planning authority, prescribed bodies, and first and third parties;
- (o) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (p) the planning history in the vicinity of the site; and,
- (q) the report of the Senior Planning Inspector.

Appropriate Assessment Screening

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that North Dublin Bay Special Area of Conservation (SAC) (site code 000206), South Dublin Bay SAC (site code 000210), Wicklow Mountains SAC (site code 002122), South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (site code 004026), North Bull Island SPA (site code 004006), and North-west Irish Sea SPA (site code 004236) are the only European sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Commission considered the Natura Impact Statement and associated documentation submitted with the planning application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely North Dublin Bay SAC, South Dublin Bay SAC, Wicklow Mountains SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, and North-west Irish Sea SPA, in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

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

In completing the appropriate assessment, the Commission 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 integrity of the aforementioned European sites, having regard to the sites' conservation objectives.

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

Environmental Impact Assessment Screening

The Commission completed an environmental impact assessment screening of the proposed development and considered that the EIA Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning & Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment. Having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Paragraphs 10 (b)(i) and (iv), Paragraph 10 (f) (ii), and Paragraph 14 of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 (as amended);
- (b) the location of the site on land zoned 'Z1 – Sustainable Residential Neighbourhoods' and 'Z9 – Amenity/Open Space Lands/Green Network' in the Dublin City Development Plan 2022- 2028;
- (c) the existing use of the site and the pattern of development in the vicinity;
- (d) the availability of public water and foul services to serve the proposed development;
- (e) the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001 (as amended) and the content of the applicant's EIA Screening Report and other supporting documentation; and,
- (f) the measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Environmental Management Plan, Ecological Impact Assessment, and Hydrological and Hydrogeological Risk Assessment Report,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the zoning and other relevant development objectives of the Dublin City Development Plan 2022-2028, it would make efficient use of an appropriately zoned brownfield site within an inner suburban area of the city and would contribute to compact growth, it would positively contribute to an increase in housing stock and purpose-built student accommodation at a location relatively close to University College Dublin, it would be acceptable in terms of urban design, layout and building height, it would provide an acceptable form of residential amenity for future occupants, it would contribute to the protection and improvement of biodiversity as it would provide for a riparian refuge along the bank of the river and significantly improve the ability of fish to access the area upstream of the existing weir, and it would provide flood defence and alleviation works in an area liable to flooding.

The commission considered that, having regard to the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024), which state that when calculating net densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling, that the proposed student accommodation studio units should be regarded as shared accommodation given their limited floor spaces and the sharing of communal spaces between these units, which would result in a proposed net density is 161 units per hectare, and not 275 units per hectare as suggested by the Commissions Inspector, and concurred with the inspectors assessment that the proposed development would not comprise overdevelopment of the subject site or seriously injure the residential or visual amenities of the area.

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

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development 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 shall be seven years from the date of this Order.

Reason: In the interest of clarity.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

Reason: To protect the integrity of European Sites.

4. All of the proposed mitigation measures contained within the Flood Risk Assessment Report, Ecological Impact Assessment Report, the Construction Environmental Management Plan (CEMP), Hydrological and Hydrogeological Risk Assessment Report (HHRAR), Preliminary Construction Method Statement for the Construction of the Upstream Flood Relief Works, and the Fish Passage Design Report shall be implemented.

Reason: In the interest of environmental protection, public safety and the proper planning and sustainable development of the area.

5. (a) Detailed design of the flood defence and alleviation works shall be agreed in writing with the planning authority prior to commencement of development.
- (b) Flood defence and alleviation works upstream of Clonskeagh Bridge shall be completed, and certified in writing to the satisfaction of the planning authority by a suitably qualified chartered engineer, prior to first occupation of the development.
- (c) Phasing of works to the Smurfit Weir shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of the proper planning and sustainable development of the area and residential amenity.

6. Prior to commencement of development the developer shall consult with Inland Fisheries Ireland with regard to the in-stream works related to lowering the sluice gates and provision of grade control structures to the Smurfit Weir. The developer shall submit a methodology in relation to same for the written approval of the planning authority, including documentation from Inland Fisheries Ireland confirming that they have been consulted regarding same.

Reason: In the interest of the protection of water quality.

7. (a) The attenuation and 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.
- (b) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (c) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with surface water discharging to River Dodder. No foul water shall be allowed to enter surface water system or vice versa.

(d) A non-return valve shall be installed at the river outfall to prevent backflow of water at high river levels.

(e) The development shall incorporate Sustainable Drainage Systems in the management of surface water.

(f) All surface water discharge from this development must be attenuated in accordance with the requirements of the DCC's Sustainable Drainage Design and Evaluation Guide (2021), to 2 l/s.

(g) Revised attenuation calculations shall be submitted for written agreement with the planning authority to demonstrate that the throttled discharge from the proposed blue roofs has been adequately accounted for in the downstream 'Ground Level Catchment' calculations so that the overall discharge rate from the site won't exceeds 2l/s.

Reason: In the interest of public health and environmental protection.

8. A suitable vehicular access shall be provided for river bank and weir maintenance unless otherwise agreed in writing with the planning authority. Full details of this shall be agreed in writing with the planning authority prior to commencement of development.

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

9. (a) Prior to the commencement of the development, any works within the public road and footpath shall be agreed in writing with the planning authority. The applicant shall contact the Traffic Advisory Group, Active Travel Programme Office and Roads Maintenance sections of DCC to ascertain their requirements regarding all works along Clonskeagh Road including compliance with the Active Travel project.
- (b) All vehicular entrances on Clonskeagh Road shall not be gated.

Reason: In the interest of pedestrian, cyclist and traffic safety and the proper planning and sustainable development of the area.

10. (a) The proposed Purpose-Built Student Accommodation (PBTA) shall be used only to accommodate students registered in a recognised Higher Education Institute during the academic year, or as student accommodation and/or tourist/visitor accommodation during academic holiday periods.
- (b) The proposed Purpose-Built Student Accommodation (PBTA) shall be operated and managed by an on-site management team on a 24-hour, seven-day, full-time basis.
- (c) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company or companies.
- (d) The proposed Purpose-Built Student Accommodation (PBTA), the residential apartments in Block 1 and the culture/arts/community space, as well as associated services, plant, facilities and open spaces shall be operated and managed in accordance with the measures indicated in the Property Management Strategy Report submitted with the application.
- (e) Details of the management company contract(s), and drawings/particulars describing the parts of the development for which the company (or companies) would have responsibility, shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.
- (f) The proposed Purpose-Built Student Accommodation (PBTA) and the Community/Arts Space shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel or similar use without a prior grant of planning permission.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity and in the interests of the amenities of occupiers of the development and surrounding properties.

11. (a) Prior to commencement of development and in consultation with the Dublin City Arts Office, the developer shall provide details, for the written agreement of the planning authority, indicating the proposed use and future management of the culture/arts/community space. Details regarding intended hours of operation and a schedule for opening the space as part of the overall development shall be submitted, for written agreement, to the planning authority prior to commencement of development. All works to ensure the space is operational shall be undertaken at the developer's own expense.

(b) Detail of signage to the community/arts/cultural unit shall be submitted to, and agreed in writing with, the planning authority prior to operation of the units.

Reason: In the interests of residential and visual amenity and to ensure the timely provision of services.

12. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a specification and method statement covering all works to be carried out to the 14 terraced houses to be renovated and extended, to ensure the development is carried out in accordance with good conservation practice.

Reason: In the interest of the protection of architectural heritage.

13. (a) The materials, colours, and textures of the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

(b) Materials, colours, and textures of all proposed site boundary walls and fencing shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 14.** Proposals for a development name 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 such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

- 15. (a)** The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.
- (b)** Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

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

- 16. (a)** The landscaping scheme shown on drawing numbers Re. 16-DR-2001 and Re. 16-DR-2003, as submitted to the planning authority on 9th May 2025 shall be carried out within the first planting season following substantial completion of external construction works.
- (b)** Additional detail of landscaping to the flood defence and alleviation works area to the west of Clonskeagh Bridge shall be submitted for the written approval of the planning authority.
- (c)** Vegetation clearance on site shall only be undertaken outside the main bird breeding season i.e. from September to February inclusive.
- (d)** All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(e) A suitably qualified arborist shall be retained for the construction phase to advise and supervise all works associated with or in proximity to trees to be retained.

(f) 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 radius of two metres from the trunk of the tree or centre of the shrub, and shall be maintained until the development has been completed.

(g) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees and hedgerows 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.

Reason: In the interest of residential and visual amenity.

17. 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 commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall be bat friendly.

Reason: In the interests of amenity and public safety.

18. The development shall be carried out and operated in accordance with the provisions of the Mobility Management and Travel Plan (MMTP) submitted to the planning authority. The specific measures detailed in the MMTP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first five years following first occupation of the development and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: In the interest of sustainable transportation

19. 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. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

20. (a) The scheme shall incorporate a professionally written and illustrated fact checked heritage display that commemorates the history and industrial heritage of the site. The design and placement of the heritage display shall be submitted to the planning authority for written agreement and shall be installed prior to occupation of the development.
- (b) An archaeological wade and metal detection survey of the upstream and downstream sides of the historic weir shall take place prior to commencement of development. The reports shall be submitted to the planning authority for written agreement prior to development.
- (c) The developer shall retain a suitably qualified licensed archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology, and to make appropriate recommendations for mitigation including detailed survey as necessary. The archaeologist shall

provide an updated Archaeological Impact Assessment of the proposed development (including temporary and enabling works) to the planning authority prior to monitoring.

(d) The developer shall allow for the resolution of archaeology (both on site and necessary post-excavation) in the project budget and timetable.

(e) The archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground, and enabling works at the historic weir.

(f) The archaeologist shall consult with and forward their Method Statement for monitoring in advance for the written agreement of the planning authority.

(g) The Institute of Archaeologists of Ireland (IAI) document IAI Code of Conduct for Archaeological Monitoring (2006) shall be consulted and adhered to.

(h) In the event of in situ archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including all post-1700 AD in-situ features and layers. Full archaeological excavation of such features may be a requirement. At a minimum recording of all archaeological features shall include a written, photographic, and drawn survey record.

(i) In the event of in-situ archaeological features being discovered, the archaeologist retained by the developer shall immediately contact the planning authority. The planning authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Housing, Local Government and Heritage) shall determine the further archaeological resolution of the site.

(j) The developer shall comply in full with any further archaeological requirement arising from the results of the monitoring, including if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

(k) Two copies of a written report and a digital report containing the results of the archaeological monitoring shall be forwarded on completion to the planning authority and National Monuments Service, Department of Housing, Local Government and Heritage.

(I) Following submission of the final report to the planning authority, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive. A submission showing accession to the archive shall be submitted for the written agreement of the planning authority.

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

21. A plan containing details for the management of waste (and, in particular, recyclable materials) for all uses within the proposed development (i.e. purpose built student accommodation, holiday period tourist accommodation, residential accommodation and cultural/community uses), including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

22. 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 and address any invasive species arising on site. 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.

23. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

24. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, flood mitigation measures, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company, or companies, specifically tasked with the care, maintenance and management of facilities related to each of the proposed uses (i.e. purpose built student accommodation, holiday period tourist accommodation, residential accommodation and cultural/community uses)
- (b) Details of the management company (or companies) contract(s), and drawings/particulars describing the parts of the development for which the company (or companies) would have responsibility, shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

25. Site development and building works shall be carried out only between the hours of 0700 to 1800 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. The construction of the development shall be managed in accordance with a Construction 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 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 Management Plan shall be available for inspection by the planning authority;

(n) The appointment and responsibilities of a community liaison officer for the duration of the construction period.

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

27. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including noise control, dust and vibration control, and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

28. 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)(b) (Part V) of the Planning & 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 Coimisiún Pleanála for determination.

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

29. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of trees on the site

30. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

31. The developer shall pay to the planning authority a financial contribution of €5,000 (five thousand euro) per apartment unit as a contribution in lieu of the public open space requirement, in respect of public open space benefitting the development in the area of the planning authority which is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

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

32. 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.