



An
Coimisiún
Pleanála

Direction
CD-021972-26
ACP-323859-25

The submissions on this file and the Inspector's report were considered at a meeting held on 02/03/2026.

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:

Chris McGarry

Date: 03/03/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

The proposed development would be consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.

In coming to its decision, the Commission 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) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (d) the provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (e) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023,
- (f) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018,
- (g) Childcare Facilities, Guidelines for Planning Authorities, 2001,
- (h) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019,
- (i) the objectives and targets of the National Biodiversity Plan 2023-2030,
- (j) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009,
- (k) the nature, scale and design of the proposed development,
- (l) the existing pattern of development in the area,
- (m) the availability of physical, social and community infrastructure and services in the area, including public transport services,
- (n) the submissions received,
- (o) the grounds of appeal,

- (p) the reports from the planning authority, and
- (q) the report and recommendation of the Planning Inspector.

Appropriate Assessment: Stage 1:

The Commission considered the documents 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 designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that South Dublin Bay Special Area of Conservation (Site Code 000210), North Dublin Bay Special Area of Conservation (Site Code 000206), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), North Bull Island Special Protection Area (Site Code 004006) and North-West Irish Sea Special Protection Area (Site Code 004236) are the only European Sites 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.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on South Dublin Bay Special Area of Conservation (Site Code 000210), North Dublin Bay Special Area of Conservation (Site Code 000206), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024), North Bull Island Special Protection Area (Site Code 004006) and North-West Irish Sea Special Protection Area (Site Code 004236), in view of the sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) 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 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 their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment (EIA):

The Commission 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 (EIAR) and associated documentation submitted with the application,
- (c) the submissions from the planning authority, applicant, third parties and prescribed bodies in the course of the application; and
- (d) the report of the Planning Inspector's.

The Commission considered that the Environmental Impact Assessment Report, 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 Commission is satisfied that the information

contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Having regard to the examination of environmental information contained above, and in particular in the EIAR and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies and the third-party appellant, the Commission 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:

Population and Human Health:

Positive socioeconomic effects on population and human health associated with increased employment and demand for services during the construction phase, the consolidation of the urban area, the availability of additional housing and a childcare facility when complete and the provision of public open space areas.

Biodiversity:

Construction stage would result in the loss and / or damage of trees and habitat, particularly at the point of the road crossing of the central stream / woodland, however, this would be compensated by additional planting, and the protection of existing habitats where feasible, notably the provision of 10 metre riparian buffers along water courses. Direct / indirect effects from the disturbance and/or displacement of fauna during construction and operational stage, would be mitigated by further pre-comment surveys, construction phase management (included in a Construction and Environmental Management Plan), lighting design, existing and proposed landscaping, the appropriate timing of works and various enhancement measures including the provision of bat boxes.

Land, Soil, Water, Air and Climate:

Loss of land and soil, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.

Impacts on groundwater and surface water quality, would be mitigated by standard good practice construction stage measures including a Construction Environmental

Management Plan, and by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures.

Potential effects arising from noise and vibration during construction which will be mitigated by appropriate construction management measures. Potential effects on air during construction which will be mitigated by a dust management plan, including a monitoring programme.

Material Assets, Cultural Heritage and the Landscape:

Potential effects on waste management during construction and operation will be mitigated by a Construction and Environmental Management Plan, and an Operational Waste Management Plan

Potential for 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. The development will provide additional critical mass to support existing public transport services and bus routes.

The site is not highly visible from the surrounding area and is not located within any sensitive landscape. Having regard to the surrounding context of the existing facility and adjacent residential uses, the proposed development would have no significant direct or indirect effects on the landscape, visual amenity of the area or on any protected view

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.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other

development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale, form and quantum of residential development at this urban location, would be acceptable in terms of layout, urban design, height, unit mix, provision and quality of open space and density, would be acceptable in terms of pedestrian and traffic safety and overall movement. In addition it is considered that the proposed development has been designed with due regard to the topography of the subject lands, to the disposition of building height within the scheme and to the nature and character of adjoining areas such that the proposed development would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would not seriously impact the archaeological or natural heritage value of the site and would constitute an appropriate form of residential development on these zoned lands. Furthermore, the proposed development would be in accordance with the relevant provisions of the Residential Development and Compact Settlement Guidelines 2024, in terms of an appropriate density range for the site location, and also including consistency with the relevant Specific Planning Policy Requirements therein (SPPRs 1 and 2 – separation distances, private open space), would contribute to compact growth and would positively contribute to an increase in housing stock on these zoned lands in manner in accordance with national and regional policy in support of the provision of new residential development.

The proposed development would also be in accordance with the relevant provisions of the South Dublin County Development Plan 2022-2028, as varied, with regard to support for new residential development, to the delivery of housing on residentially zoned lands as set out in the Core Strategy, to general matters of urban design and internal layout of residential units. In addition, it is considered that the overall form of road layout at and through the subject site and linking to the surrounding road network is in accordance with the totality of the relevant development plan provisions including Table 7.5 which sets out as a function of the six year road programme, the

formation of a strategic street network providing access through the Ballycullen-Oldcourt LAP lands. While the proposed development introduces a second road link via Stocking Lane Drive rather than White Pines Park (as shown in indicative form on Map 10 of the development plan), the purpose, capacity and capability of the link remains the same in substance and outcome, with ultimate access to the wider road network via Stocking Avenue.

On the facts of the case and having regard to a number of specific development plan objectives, it is considered that material contravention of the South Dublin County Development Plan 2022-2028 would arise as follows; development standard in respect of separation distances which requires a minimum clearance distance of circa 22 metres between opposing windows; H9 Objective 1 and Table 3.20 relating to quantitative standards for private open space for houses; H8 Objective 1 and COS5 Objective 4 relating to quantitative standard for Public Open Space; H11 Objective relating to the provision of Communal Open Space. In addition, the wording of objective QDP14 SLO3 of the development plan which states that, *'the provisions of the Ballycullen-Oldcourt Local Area Plan (2014) as extended, in respect of the steep topography in the lands zoned RES-N between Stocking Lane, Ballycullen Road and the M50 (Map 10) remain in force during the lifetime of this Plan having regard to ministerial guidelines'* has also been considered. Recognising that this objective appears to transfer provisions of the LAP in relation to a part of its overall land area (within the current subject site sits), including objectives such as support for the provision of housing, indicative road links, green corridors etc., and that the spirit and intent of these provisions are embedded positively in the proposed development, it may also be considered that a material contravention of objective QDP14 SL03, can be deemed to arise, with respect to the objectives of the LAP relating to density, building height, unit mix and apartment location.

However, having regard to the detailed consideration of the substance of these issues, as they are provided for in the proposed development, and by reference to the full assessment as set out in the inspector's report, it is determined that while material contravention can be considered to arise on a narrow interpretation of the above listed objectives, the proposed development warrants a grant of permission having regard to the high quality of the scheme and that a conclusion can be made

that the proposed development is in accordance with the proper planning and sustainable development of the area.

Specifically, having regard to the overall design quality of the proposed residential scheme, the separation distance between opposing windows, private open space, the quality public open space proposed in terms of its quantum, layout and location, and having regard to the relevant provisions of the Sustainable Residential Development and Compact Settlement Guidelines 2024, including the consistency of the proposed development with the relevant Specific Planning Policy Requirements therein (SPPRs 1 and 2), and to the objectives of the 2024 Guidelines as they relate to density and to key indicators for quality urban design and placemaking (Policy and Objective 4.2 refers), and noting the legislative obligation under Section 34 of the Planning and Development Act 2000, as amended, for both a planning authority and An Coimisiún Pleanála to apply SPPRs instead of the provisions of the development plan where the SPPRs differ from those provisions, it is considered that the specific design and detail of the proposed scheme as it relates to the above mentioned matters, would deliver a high standard of residential amenity to future occupants and would be in accordance with the relevant provisions including SPPRs as set out in Ministerial Guidance. Furthermore, the layout and design of the overall scheme has been fully assessed by the Commission and determined to constitute a high quality of residential scheme which is fully in accordance with the proper planning and sustainable development of the area. In reaching this decision, the Commission also had regard to the clear, reasoned assessment of the overall scheme by the planning authority and its decision to grant permission.

In conclusion, noting all of the above and considering the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), it is considered, having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that a grant of permission is warranted in this instance, notwithstanding the material contraventions set out above. 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 and as revised by the further plans and particulars received by the planning authority on the 12th day of August 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. The development hereby permitted shall contain 494 number residential units. Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission.

Reason: In the interest of clarity and to ensure the maintenance of a residential community.

3. The mitigation and monitoring measures contained in the submitted Environmental Impact Assessment Report (EIAR), received by the Planning Authority on 24th day of April 2025, as amended by the EIAR Addendum Report Received by the planning authority on the 12th day of August 2025 shall be implemented.

Reason: To protect the environment.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), as amended by the revised Natura Impact Statement (NIS) received by the planning authority on the 12th day of August 2025, shall be implemented.

Reason: To protect the integrity of European Sites.

5. Three (3) years of annual Bat monitoring shall be undertaken by an Ecologist or other suitably qualified professional with bat expertise, to evaluate the effectiveness or otherwise of the mitigation measures undertaken to protect bats availing of the linear green infrastructure corridors. Any amendments required to adjust effectiveness of bat protection measures will be proposed and agreed in conjunction with the Heritage Officer of South Dublin County Council.

Reason: For the protection of bats, a protected species.

6. Prior to the commencement of development, the applicants shall submit to and for the written agreement of the planning authority, a Biodiversity Management Plan for both construction and operational phases of the development. this plan shall be prepared by a suitably qualified Ecologist.

Reason: To protect biodiversity.

7. All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.

Reason: To ensure compliance with mitigation measures and to protect biodiversity.

8. The development shall be carried out on a phased basis. Prior to the commencement of development, the phasing scheme for the development inclusive of all associated infrastructure shall be submitted for the written agreement of the planning authority. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority. The phasing plan shall include for the timely delivery of the proposed Creche facility in line with the requirements of Condition 10 of this grant of permission.

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

9. Unless otherwise agreed in writing with the planning authority, no more than 100 number residential units hereby permitted shall be made available for occupation prior to the completion and operation of the childcare facility.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

10. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

(a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings and creche.

(b) Details of any advertisements / signage relating to the creche facility.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

11. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and house/apartment

numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

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

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

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, and details of same shall be submitted by the developer, for the written agreement of the planning authority.

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

14. 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 interests of visual and residential amenity.

15. 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.

Reason: In the interest of amenity and public safety.

16. Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night). A lighting plan shall be submitted to, and agreed in writing, with the planning authority for approval, prior to commencement of development.

Reason: To minimise disturbance-related impacts on protected species

17. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

18. All roads and footpaths and cycleways shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a revised taking in charge drawing which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

19. (a) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided

with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

- (b) 5% of vehicular parking spaces shall be for mobility impaired users.

Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

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

21. 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. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR and NIS for the application. 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, public health and safety and environmental protection].

22. Construction operations during the hours of darkness shall be kept to a minimum. If construction lighting is required during the bat activity period (April to September), lighting shall be directed away from all woodland /trees /hedgerow habitat that is to be retained. Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night).

Reason: To minimise disturbance-related impacts on protected species.

23. (a) Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan (CTMP) for the construction phase of the development for the written agreement of the planning authority. The Plan shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed CTMP shall be implemented in full during the course of construction of the development.
- (b) No construction traffic shall travel through the adjoining Stocking Wood Development.

Reason: In the interest of traffic safety and convenience and residential amenity.

24. 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.

25. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot and for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

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

26. The site shall be landscaped in accordance with the plans and particulars, including the Landscape Design Statement, lodged with the application and as amended by the further plans and particulars received by the planning authority on the 12th day of August 2025 and shall be carried out within the first planting season following substantial completion of external construction works.

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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

27. No dwelling unit shall be occupied until all services (drainage, water supply, electricity and / or other energy supply, public lighting and roads) for each dwelling unit have been completed and are operational.

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

28. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings /particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

29. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An 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.

30. (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, 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 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.

31. 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 Coimisiún Pleanála for determination.

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

32. Prior to commencement of development, the developer shall pay to the planning authority a financial contribution of €330,000 (three hundred and thirty thousand euro) towards the delivery of a new community centre in the area. The financial contribution is in lieu of the provision of community floorspace on-site.

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.

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

in default of such agreement, the matter shall be referred to An 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.

Note:

The Commission noted a recommended condition by the inspector, to continue the footpath serving the internal estate road to the east of Block G along the eastern side of the estate road in lieu of the proposed road crossing. However having examined the full drawing material, the Commission concluded that this location would be sufficiently well served via the proposed road crossing; that the introduction of an extended footpath here was not therefore needed in terms of pedestrian connectivity and that otherwise the introduction of an extended would interrupt the landscaping at this location, the retention of the landscaping was considered appropriate.