

An
Coimisiún
Pleanála

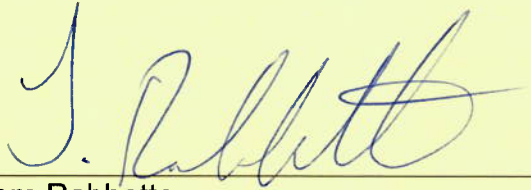
Direction
CD-022438-26
ACP-323963-25

The submissions on this file and the Inspector's report were considered at a meeting held on 02/09/2026.

The Commission decided to determine the referral generally in accordance with the Inspector's recommendation, and as indicated in the draft Order hereunder.

Planning

Commissioner:


Tom Rabbette

Date: 02/09/2026

DRAFT ORDER

WHEREAS by order dated the 13th day of October 2025, Dun Laoghaire Rathdown County Council, under planning register reference number D25A/0101, granted subject to conditions permission to Louise Reynolds for development comprising the construction for 4 no. houses, at Harrow House, Church Road, Killiney, Co. Dublin.

AND WHEREAS Condition no. 21 attached to the said permission required the developer to lodge a Tree Bond with the Planning Authority, as security for tree protection and a deterrent to wilful or accidental damages during construction. The Bond is based on a standard figure of the combined

value – amenity and ecosystems services of the existing street tree(s). The minimum value of the Tree Bond shall be €80,000.

AND WHEREAS the developer and the planning authority failed to agree on the terms of the said condition and the matter was referred by the developer to An Coimisiun Pleanála on the 16th day of December 2025 for determination.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that Condition 21 shall be retained, as follows.

21. Tree Bond for All Seven Trees

a. Prior to the commencement of development and construction activities, the applicant shall lodge a Tree Bond with the Planning Authority, as security for tree protection and a deterrent to wilful or accidental damages during construction. The Bond is based on a standard figure of the combined value – amenity and ecosystems services of the existing street tree(s). The minimum value of the Tree Bond shall be €80,000 and shall cover seven trees:

- T1248 (Ash) *Fraxinus excelsior* – category A tree
- T1259 (Hawthorn) *Crataegus monogyna* – category B tree
- T1242 (Yew) *Taxus baccata* – category B tree
- T1244 (Yew) *Taxus baccata* – category B tree
- T1247 (Beach) *Fagus Sylvatica* – category B tree
- T1243 (Sycamore) *Acer pseudoplatanus* – category B tree
- T1249 (Sycamore) *Acer pseudoplatanus* – category C tree

b. No heavy materials shall be located on the margins at this tree(s) or under its canopy/ their canopies; equally, no vehicles shall be parked on the margins which would damage its/their roots. The same applies to all the street trees in the vicinity of the site, with regard to construction vans or vehicles. No grass margins are to be parked on. Pedestrian type barriers are to be erected around the area containing the trees, to ensure that no vehicles use or park on this area, as heavy vehicles would compact the root systems of the trees.

c. Lodgement of the Bond shall be part of an Arboricultural Agreement signed by the developer, empowering the planning authority to apply the Tree Bond, or part thereof, for satisfactory protection of all retained trees on and immediately-adjoining the subject site, or the appropriate or adequate replacement of any such trees, which die, are removed or become seriously damaged or diseased within a period of 2-years from the substantial Practical Completion of the development. 'Before' photos (time-stamped), photos of the tree(s) prior to works starting, are to be submitted prior to the commencement of development by the applicant/developer to the Parks Department.

d. Sequestration of all or part of the bond shall be based on an estimate of the total costs of appropriate, compensatory tree planting at semi-mature sizes and in several numbers, because a juvenile tree cannot replace an established maturing tree. Replacement planting shall be of the same or similar species/varieties as those lost, or as may be specified by Dir Parks and Landscape Services.

e. Bond Release: 24 months – Inclusive of at least two growing seasons (May – September) – after Practical Completion of the permitted development, the developer shall submit to Dir Parks and Landscape Services 'After' photos of the trees to prove that the trees have not been damaged by the development works.

Reason: To provide security for the protection and long-term viability of trees to be retained on the site and give practical effect to the retention,

protection and sustainability of trees during and after construction of the permitted development.

REASONS AND CONSIDERATIONS

An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 34(5) of the Planning and Development Act 2000, as amended,
- (b) the provisions of the Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028, and specifically Section 12.3.4.6 of the Development Plan,
- (c) Section 7.13 of the Development Management Guidelines issued by the Department of the Environment, Heritage and Local Government, in June 2007,
- (d) the planning history of the site and the overall development of which it forms a part,
- (e) the Inspector's report, and
- (f) the proper planning and sustainable development of the area.