



An  
Coimisiún  
Pleanála

**Direction**  
**CD-022210-26**  
**ACP-324074-26**

The submissions on this file and the Inspector's report were considered at a meeting held on 21/05/2026.

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:**

*Patricia Calleary*  
Patricia Calleary.

**Date:** 22/05/2026

**DRAFT WORDING FOR ORDER**

**Reasons and Considerations**

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the location of the site on lands with a zoning objective 'A – Residential' with the objective 'To provide residential development and improve residential

amenities while protecting the existing residential amenities and also on lands with the zoning objective 'F – Open Space' with the objective 'To preserve and provide for open space with ancillary active recreational amenities' in the Dun Laoghaire Rathdown DLRCDP 2022-2028 and the wider provisions of the development plan,

- (b) Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES),
- (c) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (d) National Biodiversity Action Plan 2023-2030,
- (e) Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (f) Design Standards for Apartments, Guidelines for Planning Authorities, July 2025,
- (g) Urban Development and Building Heights Guidelines for Planning Authorities (2018),

- (h) the availability of a wide range of physical social, community and transport infrastructure and services in the area,
- (i) the Planning Reports and supporting technical reports of Dún Laoghaire Rathdown County Council,
- (j) the planning history and extant permissions,
- (k) the submissions received including third party submissions, and
- (l) the report and recommendation of the Planning Inspector.

### **Appropriate Assessment Stage 1**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a site in an established urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's report. In completing the screening exercise, the Commission agreed with and adopted the report of the Planning Inspector 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 a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment Screening**

The Commission completed an Environmental Impact Assessment screening of the proposed development and considered that the Environmental Impact Assessment

Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 200, as amended, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Classes 10(b)(i) and (iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) Class 15 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (c) the planning history relating to the site, particularly the two previous SHD applications (ABP-311181-21 and ABP-314486-22) related to the site and adjoining lands which were iterations of the proposed development which included EIARs that concluded no significant individual or cumulative environmental effects were anticipated to occur,
- (d) the location of the site on lands governed by zoning objectives 'A – Residential' and 'F – Open Space' in the Dun Laoghaire Rathdown DLRCDP 2022-2028, and the results of the strategic environmental assessment of the Dun Laoghaire Rathdown DLRCDP undertaken in accordance with the SEA Directive (2001/42/EC),
- (e) the former use on the site and pattern of development in surrounding area,
- (f) the availability of mains water and wastewater services to serve the proposed development,
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

- (h) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Environmental Management Plan,

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.

### **Conclusion on Proper Planning and Sustainable Development**

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form, scale and density of development in this new urban quarter of Bray and that it would be acceptable in terms of layout, urban design, height, traffic and pedestrian and cyclist safety. The Commission further considered that the proposed development would provide an acceptable standard of accommodation and residential amenity for future occupants and that it would not seriously injure the residential or visual amenities of established property in the vicinity. The Commission was satisfied that the proposed development would not impact on protected habitats or the Qualifying Interests of any European Site. 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, as amended by the further plans and particulars received by the planning authority on the 12<sup>th</sup> day of December 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 number of residential units permitted by this grant of permission is 159.

**Reason:** In the interest of clarity.

3. The mitigation and monitoring measures outlined in the plans and particulars submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. Details of the materials, colours and textures of all the external finishes to the proposed residential buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

5. Pedestrian and cycle linkages along the eastern perimeter of the site shall be maintained during the construction, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity and permeability.

6. A design solution for the proposed pedestrian connections at the northern boundary of the site linking into Corke Abbey Valley Park shall be submitted for the written agreement of the Dun Laoghaire-Rathdown County Council planning department prior to the commencement of development. These bicycle and

pedestrian connections shall connect into existing paths in Corke Abbey Valley Park and shall be delivered prior to the occupation of the development.

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

7. (a) 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).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (c) The developer shall implement in full the recommendations of the submitted Mobility Management Plan which shall be overseen by an appointed Mobility Manager.

**Reason:** In the interests of amenity, permeability, traffic and pedestrian safety and sustainable transport.

8. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development as indicated and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, an updated Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

9. A minimum of 20% of all car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces. Where proposals relating to the installation of EV ducting and charging stations/points has 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.

10. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

**Reason:** In the interest of public health.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. 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 interest of visual amenity.

13. Proposals for an estate/street name, house and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

14. (a) A suitably qualified ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of mitigation and all monitoring measures relating to ecology as set out in the Ecology Impact Assessment Report (EclA), the Ecology Management Plan and the final Construction Environmental Management Plan. The ecologist shall be present during site construction works.
- (b) Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.
- (c) The developer shall submit a report from the ecologist to the planning authority post installation of the lighting scheme, confirming it is operating according to the specification and their satisfaction.

**Reason:** In the interest of nature conservation and the protection of the environment.

15. The developer shall submit the Ecology Management Plan (referenced in the Construction Environmental Management Plan provided with the planning application), to the planning authority at least five weeks in advance of site

clearance and site works commencing. The Ecology Management Plan shall include the following:

- (a) Detail all the biodiversity related mitigation measures for the proposed development at all stages including site clearance, construction and operation of the development and shall include all biodiversity measures relevant to the EclA, Final CEMP, and Landscape Plan.
- (b) All mitigation measures relating to biodiversity outlined shall be implemented, recorded and reported on by the appointed ecologist to the planning authority.
- (c) The Plan shall clearly set out badger mitigation measures, including in terms of the ecological buffer zone along the northern and eastern boundary of the development site and Masterplan lands which will allow for connectivity of habitats.
- (d) The Plan shall set out clearly which bird and bat box measures apply specifically to the part of the development site and clarify how these relate to the overall deployment of boxes throughout the wider development / Masterplan area.
- (e) The Plan shall set out the detailed specifications of all boxes to be deployed in relation to the subject site and also include types and locations. The appointed ecologist shall liaise with the landscape architect in relation to this matter.
- (f) The Plan shall clearly set out the elements that relate specifically to the subject site and explain how these will fit in and function with those of the development-wide, overall Masterplan lands.
- (g) The Plan shall include the programme for the monitoring and implementation of the biodiversity related mitigation measures for all stages of the proposed development by the appointed ecologist.

**Reason:** To protect biodiversity and to ensure the implementation of mitigation measures and monitoring for biodiversity.

16. Where there is potential for the presence of burrows/setts/dens in areas of dense scrub and undergrowth that could not be thoroughly searched during earlier faunal surveys, monitoring during vegetation clearance shall be undertaken by a suitably qualified mammal specialist.

**Reason:** To mitigate the potential impact on protected faunal species and their resting places that may be present on site.

17. The felling of identified trees on the site shall be carried out under the supervision of a suitably qualified ecologist, and these trees shall be left intact on the ground for a minimum period of 24 hours to allow any bats (if present) to escape.

**Reason:** To protect biodiversity and to ensure the protection of important bat species.

18. The developer shall submit a final Landscape Plan and specifications to the planning authority which shall include the following:

- (a) Details in respect of planting for biodiversity enhancement following agreement with the appointed ecologist.
- (b) The ecological buffer zone along the northern and eastern boundary of the development site shall allow for connectivity of habitats and be unlit and fenced off, with appropriate signage, to prevent access to people and dogs in order to provide safe and dark refuge for wildlife
- (c) Where native plant species are specified in the Landscape Plan, they shall be sourced from Irish stock, including trees, shrubs and herbs/flowers.
- (d) Commercial seed shall not be used in green or open spaces or to create meadows but instead reuse of site soils and allowing areas to develop naturally will be examined where possible.
- (e) Native seed stock suitable for supporting native pollinators shall be used for gardens only.

- (f) 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.
- (g) In addition to planting enhancement measures, the final Landscape Plan and specifications shall include other details of biodiversity enhancement measures in respect of the installation of bat and bird boxes and insect hotels at the subject site, in terms of numbers, types and locations. The landscape architect shall liaise with the appointed ecologist in relation to this provision.
- (h) Landscape proposals shall accord with the drainage design.

**Reason:** To provide appropriate landscape design that provides mitigation, enhancement and protection for biodiversity and in the interest of residential and visual amenity.

- 19. (a) Prior to commencement of development, any 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 to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.
- (b) 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 visual amenity and to protect trees and planting during the construction period.

20. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded and landscaped in accordance with the Final Landscape Plan to be submitted to the planning authority. This work shall be completed before any of the residential units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas 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.

22. Drainage arrangements including the green roof strategy, 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 to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

23. The development shall comply with the following requirements from Iarnród Éireann:

- (a) The Railway Safety Act 2005 places an obligation on any third party working near the railway to ensure no danger or hazard is posed to railway operations. Due to the proximity of this site to the railway corridor, the developer must take due consideration of this obligation during the planning and construction of the development.
- (b) Due to proximity of the Shanganagh Junction to Wexford railway line, a 2.4 metre high suitable designed, solid block boundary treatment, shall be erected by the developer on the applicant's side of the property boundary. The maintenance of this boundary treatment rests with the applicant and the Successor-in-Title. The exact location and details of this boundary treatment must be identified on site in cooperation with the Third Party Approvals Office.
- (c) The existing boundary between the development site and the railway corridor must not be removed in any way without seeking prior consent from Iarnród Éireann.
- (d) At no point should the applicant or their representatives enter railway property, at track level, to undertake the construction of this development. It is imperative that the railway always remains inaccessible to prevent trespassing, both during the construction phase and in the future. This includes safeguarding against unauthorized access, especially through scaffolding or any other means.
- (e) No additional liquid, either surface water or effluent shall be discharged to, or allowed to seep onto, the railway property or into railway drains / ditches.
- (f) Should the development require the use of a crane that could swing over the railway property, then the developer must enter into an agreement with Iarnród Éireann / CIÉ regarding this issue.
- (g) No overhang of any part of the development over the railway property is allowed.

- (h) Lights from the proposed development, either during the construction phase or when the development is completed, should not cause glare or in any way impair the vision of train drivers or personnel operating on track machines.
- (i) No deciduous trees are to be planted directly along the railway boundary as they may impair the vision of train drivers or their views of signals. Furthermore, falling leaves and/or leaf litter on rails can adversely affect the operation of trains by causing poor wheel / rail adhesion.
- (j) The cutting of large trees along the boundary presents a significant risk due to their proximity to the railway line and the DART line's electric cables. Trees falling can cause serious incidents and safety hazards. Given these considerations, any tree-cutting project must be approached with caution and meticulous planning, the developer must engage with the Third-Party Co-ordinator at Iarnród Éireann to establish a safe system of work for the completion of these tasks.
- (k) The railway operates 24 hours a day with maintenance activity taking place at night and during shutdowns of passenger services. The development is in close proximity to the live railway and therefore must take account of the potential noise and vibration impact that an operational railway may have on sensitive receptors. Residential units should be designed, orientated and located to limit the impacts of noise and vibration from transportation traffic and maintenance activities.

**Reason:** In the interest of railway operational safety and ensure a satisfactory standard of development.

24. A detailed site-specific Operations Environment Management Plan (OEMP) shall be submitted for agreement with the planning authority prior to the commencement of the proposed works. The OEMP shall include input from the project ecologist / ecologist clerk of works for biodiversity elements and include the following:

- (a) A complete table of mitigation and enhancement measures in respect of habitats and species.

- (b) A schedule for monitoring post construction and during operations in respect of measures for the protection of and enhancement for habitats and species, with provision for review and improvement of measures in the future, where necessary / appropriate will be provided for agreement with the planning authority. A commitment to this shall be included in the OEMP.

**Reason:** To protect biodiversity.

- 25. A detailed site-specific Operational Waste Management Plan containing details for the management of waste within the apartments, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

- 26. (a) The developer shall implement the measures detailed within the Construction Environmental Management Plan (CEMP) submitted with the planning application.
- (b) A revised site-specific Final CEMP shall be submitted for the written agreement of the planning authority prior to commencement of development. 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 working hours, 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.

- (c) The Final CEMP shall include input from the appointed ecologist for biodiversity elements and shall address the following:
- (i) All of the mitigation and enhancement measures relating to the subject site, as set out in the EclA, the Ecology Management Plan and the CEMP, the Final Landscape Plan and Specifications.
  - (ii) Provide clarity as to which measures specifically apply to the subject site as opposed to the wider development area / Masterplan area.
  - (iii) Include the details and rationale in respect of the Ecology Management Plan and clearly set out the elements of the Plan that relate specifically to the subject site for this LRD application and explain how this fits in with the overall development-wide site /Masterplan area.
  - (iv) Include the detailed programme for monitoring mitigation and enhancement measures, for agreement with the planning authority.

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

27. Prior to commencement of development, a detailed site-specific 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) 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 reducing waste and encouraging recycling.

28. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance

works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (preservation in-situ/excavation).

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

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

29. (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 i.e. 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.

- 30. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An 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 for the area.

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. 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

In arriving at its decision, the Commission noted the inspector's view that the proposed development unit mix of no three bedroom houses or less would materially contravene the Dun Laoghaire Rathdown DLRCDP 2022-2028 given the requirement for an unspecified 'proportion' of houses to have three bedrooms or less as outlined in section 12.3.3.1 of the plan. Furthermore, the inspector also considered that a material contravention would also arise for the reason that the houses do not provide a quantum of private open space of 75 square metres as outlined in Table 12.10 of the plan. Having assessed the submitted drawings, and notwithstanding the applicant's description of the four-bedroom residential units as 'townhouses', the Commission was satisfied that these units are not standalone houses in the ordinary sense and do not have their own site curtilage. Rather, they are laid out and would function as residential units more closely resembling three and four storey duplex/apartment type units, with direct access to, and drawing benefit from the shared communal amenity space at podium level (Level 01) above the car park below (Levels L00 and M01). In addition, the applicant assessed these units against the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023) in the applicant's submitted Housing Quality Assessment and Development Schedules, and found, which the Commission agreed with, that the units meet the required quality standards and amenity space requirement for apartments. Therefore, the Commission did not agree with the inspector on this issue that a material contravention arises in the specific presented context. Accordingly, the Commission did not engage with Section 37(2)(a) of the Planning and Development Act 2000, as amended in this regard.