



An
Coimisiún
Pleanála

Direction
CD-022270-26
ACP-324127-26

The submissions on this file and the Inspector's report were considered at a meeting held on 17/06/2026.

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:

Mary Gurrie
Mary Gurrie

Date: 23/06/2026

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) Policies and objectives set out in the National Planning Framework 2040 (First Revision, 2025) and the Regional Spatial and Economic Strategy for the Southern Region 2020-2032.
- (b) Policies and objectives set out in the South Dublin Development Plan 2022 – 2028, including the location of the site on lands subject to Zoning Objective New Residential where the objective is to provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.
- (c) Delivering Homes Building Communities 2025 - 2030, issued by the Department of Housing, Local Government and Heritage in November 2025.
- (d) The provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024).
- (e) The Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025.
- (f) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- (g) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- (h) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- (i) Development Management, Guidelines for Planning Authorities, 2007.
- (j) The availability in the area of a wide range of social and transport infrastructure.
- (k) The pattern of existing and permitted development in the area.

- (l) Planning Report and supporting technical reports of South Dublin County Council.
- (m) The submissions and observations received.
- (n) The grounds of appeal, observations and further responses on appeal.
- (o) The report and recommendation of the planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment, and water status impact assessment.

Appropriate Assessment Screening:

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Commission adopted the report and recommendation of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement was not therefore required.

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 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.

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 appellants, the Commission considered and agreed with the Planning 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, hedgerow and habitat, however, this would be compensated by additional planting, and the protection of existing habitats where feasible, notably the provision of 10 metres 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, a suite of appropriate 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, if necessary.

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.

Water Status Impact Assessment Screening

The Commission assessed the proposal having regard to the objectives as set out in Article 4 of the Water Framework Directive (Appendix B) to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration.

Having regard to:

- Chapter 7 - Hydrology, Hydrogeology of the EIAR submitted by the applicant, including baseline data collected in relation to the hydrogeology for the site;
- the nature and location of the development;
- the information and reports submitted as part of the application and appeal, and the Planning Inspector's report;
- the design of the proposal and mitigation measures proposed;

The Commission concluded that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis or otherwise jeopardise any water body in reaching its Water Framework Directive objectives.

Conclusions on 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 New Residential zoning objective and other policies and objectives of the South Dublin Development 2022-2028; would contribute to the provision of new residential development in an appropriately zoned site with full policy support at national, regional and local level, and in accordance with the relevant provisions of the Compact Settlement Guidelines 2024; would result in an appropriate density of residential development; would constitute a satisfactory mix and quantum of residential development; would provide acceptable levels of residential amenity including public open space for future occupants; would not seriously injure the residential or visual amenities of property in the vicinity; would not cause adverse impacts on, or result in serious pollution to biodiversity, lands, water, or air; would be acceptable in terms of water and surface water proposals and would be acceptable in terms of flood risk.

Moreover, having regard to the proposed access and egress arrangements to Boherboy Road, including proposed access via Corbally Heath, Carrigmore Green, and cycling and pedestrian permeability to adjoining estates, the proposed additional traffic volumes and the location of the site within an existing residential area, it is considered that the development as proposed would be acceptable in terms of pedestrian, cyclist and traffic safety, and would not impact negatively on the immediate vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission noted the commentary of the inspector in Sections 9.7.9 to 9.17.16 of the report in respect of the development plan provisions relating to separation distance between opposing windows wherein the inspector expressed the opinion that a material contravention can be considered to arise. Having considered the specific facts of the case and the relevant provisions of the development plan, the Commission did not share this opinion for the following reasons. With regard to window separation distances, Policy H11 Objective 4 of the development plan requires opposing balconies and windows at above ground floor level to have an adequate separation distance to safeguard privacy. Section 12.6.7 of the development plan states that a minimum clearance distance of circa 22 metres, in

general, is required but that reduced distances will be considered in respect of higher density schemes and that in all instances where the benchmark separation distance is not being met, the applicant shall submit a daylight availability analysis for the proposed development and detail appropriate design measures to reduce undue overlooking. Within the overall residential development subject of this application, the separation distance of 22 metres is not achieved in most cases. However, the requirement is expressly referenced as being 'in general' and thus no absolute obligation of the development plan is contravened in the context of the design and layout as set out in the application. In addition, the application documentation as submitted also includes a daylight assessment which shows no adverse impact from the design and layout of the dwelling units proposed and the development plan clearly allows such detail to be a consideration in circumstances where separation distances are not otherwise met. Furthermore the Commission noted that the separation distances, where less than 22 metres, are always more than the minimum distance of 16 metres set out in SPPR1 of the 2024 Compact Settlement Guidelines, and noted the legislative obligation under Section 34 of the Planning and Development Act 2000, as amended, for both a planning authority and the Commission to apply SPPRs instead of the provisions of the development plan where the SPPRs differ from those provisions.

The Commission noted the commentary of the Inspector in Sections 9.7.38 to 9.7.40 in respect of the development plan provisions relating to the quantitative standard for private open space for houses as set out in Policy H9 Objective 1 and Section 12.6.7, Table 12.20, and wherein the inspector expressed the opinion that a material contravention can be considered to arise. Noting that the proposed scheme in respect of private open space provision meets with the quantitative standard set out under SPPR 2 of the 2024 Compact Settlement Guidelines, to the fact that the County Development Plan is currently in the process of being varied to incorporate the requirements of the Compact Settlement Guidelines, and to the overall quality and design of the scheme and standard of residential amenity provided to future residents, and its compliance with local, regional and national policy and objectives to deliver housing and compact growth it is considered that, while the quantum of private open space for the majority of housing units can be considered to materially contravene Table 12.20 of the development plan, all other aspects accord with the

development plan policies and objectives and are in accordance with the proper planning and sustainable development of the area, and as such permission should be granted.

Regarding the first party appeal seeking the omission of Condition 30 of the planning authorities decision, the Commission noted that the proposed public open space provision for the permitted development is 16.1% (23,654sq.m) approx. based on the net site area which exceeds the requirement of 15% set out in Table 8.2 of the development plan for New Residential Development on Lands Zone RES-N. Furthermore, the Commission noted the provision of Ecological Open Space (17%; approx. 31,557sq.m) results in a total quantum of public and ecological open space within the development of 32.1% (approx. 55,211sq.m) of the site area which exceeds the standard of 2.4ha per 1,000 population required under Table 8.2 of the development plan. Having regard to the foregoing, and to the specific facts of this case, it is considered the proposed public open space provision is acceptable and no short fall occurs when considered in the context of the requirements of the development plan. Noting that the application of a contribution in lieu is a discretion, given the nature, scale and form of the development, including the extent and quality of open space provided on site, the Commission considered that a contribution in lieu would not be warranted in this instance. In reaching this determination, in agreement with the inspector, the Commission also considered the 'Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities' issued by the Department of Housing, Local Government and Heritage, issued in January 2024. The Guidelines include Policy and Objective 5.1 - Public Open Space which requires development plans to include objective(s) relating to public open space in new residential developments, whereby such provision shall be not less than minimum 10% of net site area and not more than minimum 15% of net site area save in exceptional circumstances.

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 submitted on the 11th 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 development hereby permitted shall contain 611 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 measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. Prior to the commencement of development, the developer shall submit, 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.

5. Prior the commencement of felling/works, trees and buildings with bat roosting potential shall be surveyed by a suitably qualified Ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified and is

likely to be disturbed, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 prior to the commencement of the relevant works. Prior to the removal of trees and/or works to building, the bat survey results, methodologies for felling/works and any derogations shall be submitted for the written agreement of the planning authority.

Reason: In the interest of protecting biodiversity.

6. 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.

7.
 - (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) 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. 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.
 - (c) Unless otherwise agreed in writing with the planning authority, the childcare facility shall be completed to an operational standard prior to the occupation of any units in Apartment Blocks A, B, B1, and C1.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings and that childcare facilities are provided in association with residential units.

8. Prior to the completion of the final phase of development, the developer shall submit details for the written agreement of the Planning Authority of the provision of an artistic physical feature at the subject site to improve the built environment/public realm, which could include high quality features within the environment /landscaping. The agreed physical feature shall be completed prior to the completion of the third phase of development.

Reason: In the interests of orderly development, and to comply with COS11 Objective 3 of the South Dublin County Development Plan 2022 - 2028.

9. 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.

10. The first floor windows to the side elevation of the proposed Cell 7 dwellings (serving the first floor landing area within the dwelling), addressing the rear of the adjoining sites at Corbally Glade shall be fitted with permanently obscure fixed glazing.

Reason: In the interest of protecting the residential amenity of neighbouring properties.

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 Eireann 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. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water 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.

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 designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night) and 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 and to minimise disturbance-related impacts on protected species.

16. 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.

17. 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.

18. (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.

19. 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.

20. The construction of the development shall be managed in accordance with a Construction & Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (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) Details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR for the application;
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) 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;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (k) 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;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be available 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 amenities, public health and safety and environmental protection

21. 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.

22. 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.

23. The site shall be landscaped in accordance with the plans and particulars, including the Landscape Design Rational lodged with the application, and as amended by the further plans and particulars received by the planning authority on the 15th day of December 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.

24. Prior to the commencement of the development, detailed drawings showing the design of the play areas including mounding, edging, natural play features, surfacing etc. to ensure that the play spaces are functional, accessible, and easily maintainable shall be submitted to the planning authority for agreement.

Reason: In the interest of residential amenity.

25. (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.

26. (a) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the Planning Authority (following consultation with the Development Applications Unit of the Department of Housing, Local Government and Heritage). The testing shall take place in advance of any site preparation works or groundworks (other than those which may be necessary to fulfil this condition, e.g. demolition) including site investigation works / tops
- The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the Planning Authority (following consultation with the Development Applications Unit of the Department of Housing, Local Government and Heritage). The testing shall take place in advance of any site preparation works or groundworks (other than those which may be necessary to fulfil this condition, e.g. demolition) including site investigation works / topsoil stripping / site clearance / dredging / underwater works and / or construction works. The report shall include an archaeological impact statement and mitigation strategy.
- (b) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required.
- (c) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to the National Monuments Service and the Planning Authority and approval to proceed is agreed in writing with the planning authority.
- (d) The planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report

describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post excavation work. 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.

27. 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.

28. (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.

29. 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.

30. Prior to commencement of development, the developer shall pay to the planning authority a financial contribution of €534,616.20 (five hundred and thirty-four thousand, six hundred and sixteen euro and twenty cent) towards the delivery of a new community centre in the area 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.

31. 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.