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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D18A/0257**

**Appeal** by IPUT plc. care of John Spain Associates of 39 Fitzwilliam Place, Dublin, and by Olivia Buckley of 55 Roebuck Hill, Roebuck Road, Dublin, and by Others against the decision made on the 11<sup>th</sup> day of April, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to IPUT plc. in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission for a neighbourhood centre (including retail, retail services and restaurant/café uses), retail warehouses, cinema and other leisure space, residential units, crèche, office space, car showroom, medical centre, linear park and associated infrastructural works. The proposed development comprises a gross floor area of 83,996 square metres, excluding the basement car parks, in four blocks varying in height from two to six storeys. The maximum height of the proposed development is 29.4 metres. Blocks A, B and C include 130 number residential units (gross floor area of 12,522 square metres), 7,983 square metres gross floor area of retail floor space, which includes two number supermarkets [to include off-licence use] (gross floor area of 1,725 square metres and gross floor area of 1,390

square metres), 11,154 square metres gross floor area of retail warehousing floor space, 552 square metres gross floor area of retail services floor space, 3,210 square metres gross floor area of restaurant/café floor space, 4,667 square metres gross floor area of own door office floor space, 527 square metres gross floor area crèche, 446 square metres gross floor area car showroom, 720 square metres gross floor area medical centre, 336 square metres gross floor area management suite, 3,235 square metres gross floor area of leisure floor space, which includes a 590 square metres leisure unit for an indoor skydiving facility, seven number screen cinema with a gross floor area of 3,194 square metres, three number kiosks with a gross floor area of 37 square metres and all associated service and circulation floor space. The office building (Block D) includes 12,980 square metres gross floor area of office floor space and two levels of basement car parking containing 130 number spaces. The development comprises of a series of open landscaped streets and green roofs, and includes two levels of basement car parking containing 966 number car parking spaces, 54 number of surface car parking space, cycle spaces, shower and changing facilities, circulation areas, plant areas, service yards, and fire escapes (gross floor area of 22,433). Block A contains the following: two number supermarkets (to include off-licence use) with a gross floor area of 1,725 square metres and gross floor area of 1,390 square metres, service yard, and loading bays, six number retail units, 26 number own door office units (over two levels), external courtyard, a gym, a leisure facility, five number restaurant/café units, a medical centre, management suite and an up-down car ramp to the basement. Block B is a six-storey building and contains the following: three number retail service units at ground floor level, two number restaurant/café units at ground floor level, a car showroom (at level -1) and a crèche (over two levels), and 130 number apartments at first, second, third, fourth and fifth floor level and a courtyard at first floor level. Block C is a three-storey building and contains the following: six number retail warehousing units including mezzanine level, 12 number retail units, indoor skydiving facility, two number restaurant/café units, and a seven screen cinema. Block D is a six-storey building located to the north

west corner of the site and contain 12,980 square metres gross floor area of office floor space and 130 number of basement car parking spaces over two levels. The proposal includes all hard and soft landscaping work; all associated site development works; waste management facilities and all other ancillary works. The linear park is located on the northern part of the subject site, adjacent to the Ballyogan Stream, and has total area of approximately 1.5 hectares. A pedestrian and cycle bridge is proposed across the linear park and links the neighbourhood centre (Blocks A, B and C) and the office building (Block D). The proposed bridge provides a direct commuter link between the neighbourhood centre and Ballyogan Road. The linear park includes a greenway link along the southern boundary of the park. A vehicular entrance is proposed off Glenamuck Link Road via Park Avenue, providing access to the surface car park and basement car park via a ramp. A break in the central median will be provided to allow for the proposed access. A left in, left out access and exit is proposed onto Glenamuck Link Road along the eastern boundary of the site. A dedicated access road is proposed for the residential units from Ballyogan Road. A further entrance and exit is proposed off the Ballyogan Road for the Office Building (Block D). The scheme includes a proposed new link road through an extension of Northfield Road to Ballyogan Road to the north of the site. This link road will be a two way circa 10 metres wide road which will provide a direct pedestrian, cycle and vehicular link to Ballyogan Wood Luas stop. The extension of Northfield Road to Ballyogan Road will require the partial culverting and re-alignment of 90 metres of the Ballyogan Stream on the north western boundary of the site. A roundabout is proposed off the Northfield Road which will provide a customer and servicing access and exit to the basement car park. The proposal provides for upgrades to Ballyogan Road, upgrades to Park Avenue and Glenamuck Link Road, including a new inset bus bay and pedestrian crossing along the Glenamuck Road; all at lands known as Quadrant 3, The Park, Brookfield Glenamuck Link Road (also known as Glenamuck Road) and Ballyogan Road, Carrickmines Great and Jamestown, Dublin. The proposed development was revised by

further public notices received by the planning authority on the 12<sup>th</sup> day of October, 2018 and on the 18<sup>th</sup> day of February, 2019.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to;

- (a) the zoning objectives for the site in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022,
- (b) the Six Year Road Objective for a link road from The Park, Carrickmines to Ballyogan Road in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022,
- (c) the Specific Local Objective 131 for the provision of a Neighbourhood Centre in the Dún Laoghaire-Rathdown Development Plan 2016 – 2022,
- (d) the provisions of the Ballyogan and Environs Local Area Plan (2019-2025),

- (e) the nature and extent of existing and permitted development on the site and in the vicinity,
- (f) the proposed improvements to the road network and public transport infrastructure in the area, and
- (g) the nature, scale and design of the proposed development including the public realm provision and enhancements.

### **Appropriate Assessment Screening**

The Board 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 zoned and serviced urban area, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report 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 a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed (in compliance with section 172 of the Planning and Development Act 2000) 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 in support of the planning application;

- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application and the appeal; and
- (d) the Planning Inspector's Report,

the Board 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 Board agreed with the examination, as set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application and the appeal.

The Board 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, and will be mitigated, as follows:

- Significant direct effect on the landscape. The proposed development would make a positive contribution to the urban character of the area, given the development plan policy considerations and the identification of the site for development to a certain scale with a strong presence to the public realm.
- Effects on population and human health arising from noise, vibration, dust, traffic, excavation and demolition impacts during construction which will be satisfactorily mitigated by a Construction Management Plan including traffic management measures.
- Significant direct positive effects with regard to population and material assets due to the increase in housing stock and provision of local neighbourhood services that it would make available in the area.

- Effects on traffic arise due to trips to the site. The proposed uses will in the main serve local need. Provision of neighbourhood centre facilities will reduce trips from the area to other locations.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

The Board 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 Board adopted the report and conclusions of the Inspector.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development, would not be contrary to the retail policy as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience and 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 on the 28<sup>th</sup> March 2018 and, as amended by the further plans and particulars submitted on the 12<sup>th</sup> October, 2018 and 18<sup>th</sup> February, 2019, 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 mitigation and monitoring measures as set out in Chapter 14 “Mitigation and Monitoring” of the Environmental Impact Assessment Report dated September 2018 received by the planning authority on the 10<sup>th</sup> day of October, 2018, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** To protect the environment.

3. The development shall be carried out in accordance with the phasing plan as outlined in the documentation submitted with the further information and the Construction Environmental Management Plan (CEMP) received by the planning authority on the 18<sup>th</sup> day of February, 2019, by way of clarification of further information, except as required to comply with the following,
  - (a) The Ballyogan Link Road (Northfield Road Extension) shall be constructed and operational prior to the occupation of any part of the overall ‘Quadrant 3, The Park’ development.



- (b) The park including greenway (as shown on Figure 12.13 “New Pedestrian and Cycle Links” in Chapter 12 “Traffic and Transportation” of the Environmental Impact Assessment Report received by the planning authority on the 10<sup>th</sup> October, 2018) shall be available for use by the general public before the operation of neighbourhood centre commences. Areas restricted due to construction of other elements of the development or requirements for planting to take hold shall be available for use no later than six months after the operation of the neighbourhood centre commences. Details shall be agreed with the planning authority in writing prior to commencement of work on site.
- (c) The neighbourhood centre and leisure use shall commence operation within six months of the occupation of the retail warehousing.

**Reason:** In the interest of clarity and to provide for a structure schedule of construction works on the site and to ensure the timely provision of services, for the benefit of future occupants of the proposed development.

- 4. A Mobility Management Strategy Plan shall be submitted to, and agreed in writing with, the planning authority and shall include a car park management strategy. The following measures shall be undertaken:
  - (a) The Strategy shall set a target to achieve an improved modal travel split and shall propose specific measures, including any necessary physical interventions on the site or changes to car park management/policies, to achieve the revised modal travel split target.
  - (b) A Mobility Manager shall be appointed to oversee and co-ordinate the implementation of the plan.

- (c) A follow-up survey of the modal travel split for all users of the site shall be carried out, and submitted to, the planning authority within 12 months of the completion of the overall development hereby permitted.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

5. A servicing plan for the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the appropriate servicing of the development.

6. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

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

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

8. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

9. No external security shutters shall be erected on any of the commercial premises fronting onto public roads and public spaces, unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 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 Bord 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.

11. (a) Members of the public shall have full right and liberty for the free passage and use of the greenway through the proposed 'Quadrant 3, The Park' development/Linear Park (that is, the Applicants' Blue Line) as shown in section 01.4 in 'Architectural Design Statement' received by the planning authority on the 26<sup>th</sup> day of March, 2018. The management plan shall detail the maintenance and management of the open space to maintain the access route.
- (b) A wayfinding signage scheme for the entire development, including the greenway, parkland and all internal streets shall be submitted to the planning authority for written agreement before the occupation of the development.

**Reason:** To ensure pedestrian/cyclist permeability between Ballyogan to the west and Cherrywood/future development to the east and to ensure legibility within the scheme for all users.

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any building in the development.

**Reason:** In the interests of amenity and public safety.

13. (a) The net permitted retail space shall not exceed 6,000 sqm net;
- (b) the overall number of seats in the proposed cinema shall not exceed 900;
- (c) no retail units shall be extended, sub-divided or merged internally without the prior written agreement of the planning authority;
- (d) no additional mezzanine floors shall be provided in the retail warehousing units;
- (e) the use of the retail warehousing units shall be limited to 'bulky goods' as defined in Annex 1 of the 'Guidelines for Planning Authorities - Retail Planning' issued by the Department of the Environment, Community and Local Government in April, 2011. No more than 20% of the net retail space shall be used for the sale of any ancillary products;
- (f) the restaurants shall not be used as a fast food/take away outlets, unless authorised by a further grant of planning permission;
- (g) no advertising sign or structure shall be erected except those which are exempted development, unless authorised by a further grant of planning permission;
- (h) details of the shop front and signage shall be submitted to, and agreed in writing with, the planning authority prior to occupation.

**Reason:** In the interest of clarity and to provide for the orderly regulation of retail development in accordance with the stated retail policies set out in the current development plan for the area.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

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

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

17. With regards to Transportation and Movement:

- (a) A Parking Control Scheme (that is, paid parking) for the commercial element of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of work on site.
- (b) The number of car parking spaces shall be reduced by 200. Revised drawing showing this reduction shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) The existing Left In/Left Out arrangement at main entrance to the 'Quadrant 3, The Park' development shall be maintained.
- (d) The developer shall arrange at their own expense and to the satisfaction of the planning authority for the necessary adjustments to all proposed road layout, markings, toucan traffic signals, central medians and associated works on adjoining roads to accommodate the overall 'Quadrant 3, The Park' development (loops, reprogramming of signals). All cabling and electrical work shall be carried out by Dún Laoghaire-Rathdown County Council.
- (e) Prior to commencement of development, any proposed works on the public road shall be agreed with the planning authority (Traffic and Road Safety Section). All works to be carried out on the public road/footpath/cycletrack shall be at the developer's expense and shall meet the Dún Laoghaire-Rathdown County Council's 'Taking in Charge Policy for Residential Developments' requirements.



- (f) Detailed drawings and specifications for Ballyogan Link Road (Northfield Road Extension) to meet Dún Laoghaire-Rathdown County Council's 'Taking In Charge Policy for Residential Developments' – Guidance Document' (April 2016) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of work on site.
- (g) The developer shall ensure the allocation of a minimum of 1 standard car parking space for each residential apartment units. The car parking spaces for the residential apartment units shall be sold with the units and shall not be sold separately or let.
- (h) Of the proposed 54 number street level car parking spaces, five number car parking spaces will accommodate Electrically Operated Vehicles. The remaining car parking spaces shall be constructed so as to be capable of accommodating future electric charging points as required.
- (i) The appointed Travel Plan Coordinator shall provide an annual report to the planning authority for a period of three years.
- (j) The developer shall implement and operate, all at their own expense, the proposed free Local Bus Route. The route and times shall be finalised and agreed in writing with the planning authority for written agreement prior to commencement of work on site. Any changes to the route and times shall also be agreed in writing with the Dún Laoghaire-Rathdown County Council prior to implementation.
- (k) A Stage 2 detailed design Quality Audit shall be carried out prior to commencement of construction. Post construction/prior to occupation a Stage 3 Road Safety Audit and a post completion Quality Audit shall be carried out at the developer's expense in

accordance with the Design Manual for Urban Roads and Streets (DMURS) and Transport Infrastructure Ireland standards.

- (l) All measures recommended by the Auditor shall be undertaken unless the planning authority approves a departure in writing. A feedback report shall also be submitted providing a response to each of the items.

**Reason:** In the interest of the promotion of sustainable modes of transport, to control car parking, pedestrian and traffic safety and in the interest of the proper planning and sustainable development of the area.

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site (including archaeological testing) and monitor all site development works.

The assessment shall address the following issues:

- i. the nature and location of archaeological material on the site, and
- ii. the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

19. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority, a plan containing details for the management and safe disposal of all 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, and for the ongoing operation of these facilities.

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

21. The management and maintenance of the proposed development, following its completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before the proposed development is made available for occupation.

**Reason:** To provide for the future maintenance of this private development in the interest of visual amenity.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

23. 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 Bord Pleanála to determine.

The expenditure incurred by the developer in the construction of the Ballyogan Link Road forming part of the development, which is a Six-Year Road Objective of the Dún Laoghaire-Rathdown County Development Plan shall be offset against the contribution amount.

**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.

24. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Bord 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

25. The developer shall pay the sum of €300,000 (three hundred thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of upgrade of the Glenamuck Road/The Park Junction. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board**

**Dated this            day of            2019**