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## **Planning and Development Acts 2000 to 2020**

### **Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11<sup>th</sup> day of December 2020 by Phibsborough Shopping Centre Limited care of Brady Shipman Martin of Canal Road, Dublin.

#### **Proposed Development comprises of the following:**

Alterations to the permitted development, as permitted under Dublin City Council Register Reference Number 2628/17, An Bord Pleanála Number ABP-300241-17, which included student accommodation, to now consist of the development of Build To Rent Shared Accommodation and other minor alterations to the permitted development. The proposed alterations include:

1. Alteration to the permitted 341 number bed student accommodation scheme, in permitted Blocks A and B, to accommodate a 321 number bed shared accommodation scheme. This alteration includes a reconfiguration of the two number student accommodation blocks as follows:
  - Omission of the permitted basement of the permitted student accommodation development.

- Alteration of the permitted Ground, First and Second Floor spaces to contain 518 square metres communal amenity space, reception, waste storage, bicycle store, plant, laundry facilities, storage, and office space associated with the shared accommodation.
  - Alteration of the permitted third to seventh floors from 341 number student bedspaces, set out in clusters, to 321 number shared accommodation bedspaces, set out in 303 number single occupancy units and four number cluster units containing a total of 18 number bedspaces.
  - Introduction of circa 1,130 square metres of shared amenity spaces to include kitchen and living areas, dispersed across the third to seventh floors.
  - Introduction of external roof terraces in both blocks on the sixth floor fronting on to Phibsborough Road with a combined total of circa 156 square metres, introduction of roof terraces centrally located at seventh floor in both blocks to provide a total of circa 256 square metres communal amenity space, and redesign of permitted external central amenity spaces located at second floor.
  - Increase in height of the permitted building by circa two metre to allow for raised ground level. There are no additional floors proposed. The width of the accommodation blocks have also increased by circa two metre to allow for larger bedrooms.
  - Overall increase in floorspace of circa 1,079 square metres from circa 11,156 square metres permitted to circa 12,235 square metres.
2. Minor alterations to the permitted civic plaza as a result of proposed raised ground level- this includes removal of permitted steps as conditioned by An Bord Pleanála under Condition Number 4 of ABP-300241-17.

3. Alterations to permitted Units A1 and A2, onto the civic plaza, as a result of the alterations to the accommodation blocks. These alterations result in an increase in retail area of Unit A1 from circa 662 square metres to circa 747 square metres, and a reduction in restaurant and café area of Unit A2 from circa 511 square metres to circa 370 square metres. Overall reduction in retail, restaurant and café space of circa 110 square metres in Blocks A and B.
4. Alterations to Block C, to the south of the plaza, and a subsequent reduction in restaurant and café Unit A4 of circa 16 square metres and permitted office floorspace of circa 61 square metres as a result of minor setback of the building at ground and first floor levels.
5. Alterations to the permitted amendments to the existing Shopping Centre to include:
  - It is proposed to retain part of Unit 1 (previously permitted to be demolished) to facilitate the retention of the rooftop parking. This unit, when amalgamated with Unit 2 results in a minor increase of circa 63 square metres.
  - Removal of the permitted new staircase from ground level to first floor level serving both the existing car park and the existing office tower. It is proposed to retain this space, Retail Unit 12, as it currently is with a floorspace of circa 80 square metres.
6. The inclusion of a new Electricity Supply Board sub-station in the permitted Block C (no resulting change in the building footprint or elevations).
7. The proposed development of photovoltaic panels at roof level of Block A with a total area of circa 175 square metres.
8. The proposed alterations also include for resulting alterations to permitted hard and soft landscaping, boundary treatments, signage, façade and all ancillary site and development works.

9. Overall increase in floorspace of 998 square metres from circa 22,574 square metres permitted to circa 23,572 square metres all located at a site of 0.969 hectares all located at Phibsborough Shopping Centre and 345 to 349 North Circular Road, Dublin 7. The site is bounded by North Circular Road to the South, Connaught St to the North, Dalymount Park to the West and Phibsborough Road to the East.

## **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 the following:

- (a) The policies and objectives as set out in the Dublin City Development Plan 2016-2022,
- (b) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (c) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018,
- (d) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended,
- (e) The provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (f) The provisions of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018 and Sustainable Urban Housing: Design Standards for New Apartments, (Updated) Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020,
- (g) The provisions of the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (h) The provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,
- (i) The nature, scale and design of the proposed development,

- (j) The availability in the area of a wide range of social, community and transport infrastructure,
- (k) The pattern of existing and permitted development in the area,
- (l) The planning history within the area;
- (m) The submissions and observations received;
- (n) The report of the Chief Executive of Dublin City Council, and
- (o) The report of the planning Inspector.

### **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 the 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 Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Information Report submitted by the developer which contains the information as set out in Schedule 7A of the Planning and Development Regulations 2001, as amended.

Having regard to:

- (a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands governed by Zoning Objective Z4 'To provide for and improve mixed-service facilities' in the Dublin City Development Plan 2016-2022,
- (c) the existing use on the site and pattern of development in the surrounding area,
- (d) the planning history relating to the site,
- (e) the availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,
- (g) the provisions of the guidance as set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) the criteria as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- (i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Management Plan and Outline Demolition Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

### **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 acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it could materially contravene section 16.7.2 of Dublin City Development Plan 2016-2022 as outlined below:

- Section 16.7.2 of the Dublin City Development Plan sets a maximum building height of 'up to 24 metres' for residential developments in the city centre. Blocks A and B have a maximum height of 26 metres. The proposed development, therefore, materially contravenes the development plan.

The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Development Plan 2016-2022 would be justified for the following reasons and considerations:



With regard to section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, the development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. The proposed development is of strategic importance to the consolidation of development and compact growth within existing urban footprints, as supported by National Policy Objective 11 of the National Planning Framework, and Regional Policy Objective 3.2 and Regional Policy Objective 4.3, as set out in the Dublin Metropolitan Area Strategic Plans within the Regional and Spatial Economic Strategy. The site is in proximity to public transport and major employment facilities and proximate to the Luas Greenline, which is considered a strategic development corridor. The application site has the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

With regard to section 37(2)(b)(iii) Planning and Development Act 2000, as amended it is considered that the proposed development in terms of the density, layout and design is in accordance with national guidance, including the National Planning Framework specifically National Policy Objective 13 and National Policy Objective 35, and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy, which support compact sustainable development on central and accessible sites. In relation to section 28 Guidelines, of particular relevance are the provisions of the Urban Development and Building Height Guidelines for planning authorities issued by the Department of Housing, Planning and Local Government in December 2018 which state that inter alia building heights must be generally increased in appropriate urban locations, subject to the criteria as set out in section 3.2 of the Guidelines. The proposal has been assessed against the criteria therein. The proposal also complies with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018, which relates to shared accommodation proposals, subject to conditions being imposed requiring the omission of bedrooms and the provision of additional communal kitchen, dining and living floorspace.

In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended, the Board has previously approved a 24 metre high building on this site under An Bord Pleanála Reference Number ABP-300241-17. As such, precedent for higher buildings has been recently established on this site.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The development shall comply with the terms and conditions governing the overall site under Planning Register Reference Number 2628/17 and An Bord Pleanála Reference Number ABP-300241-17, unless modified or otherwise required by this grant of planning permission or any conditions contained in this schedule.

**Reason:** In the interests of orderly development and clarity.

3. The proposed development shall be amended as follows:
  - (a) One number bedroom unit (18 square metres) to the immediate northwest of the proposed shared kitchen, dining and living room at the eastern end of Block A on floors 3, 4, 5 and 6 shall be incorporated into the shared kitchen, dining and living room on each of those floors.
  - (b) Two number bedroom units (18 square metres each) to the west of the shared kitchen, dining and living room within the central 'crank' of Block A on floors 3, 4, 5 and 6 shall be incorporated into the shared kitchen, dining and living room on each of those floors.

- (c) One number bedroom unit (18 square metres) to the immediate northwest of the shared kitchen, dining and living room at the eastern end of Block B on floors 3, 4, 5 and 6 shall be incorporated into the shared kitchen, dining and living room on each of those floors.
- (d) Two number bedroom units (18 square metres each) to the immediate southeast of the shared kitchen, dining and living room within the centre of Block B on floors 3, 4, 5 and 6 shall be incorporated into the shared kitchen, dining and living room on each of those floors.
- (e) This grant of planning permission permits 297 number bedrooms of shared accommodation.
- (f) The western elevation of the shared accommodation Block B shall be amended to incorporate fenestration on each level from second floor to seventh floor levels, inclusive, similar to that proposed on the west-facing elevation of Block A.
- (g) The west facing elevations to the two number shared accommodation blocks shall be finished in brick similar in quality and pattern to that proposed on the east facing elevations.
- (h) All glazing to the western elevations, from ground through to seventh floor level shall be fitted and maintained with clear glazing only and the glazing shall not be obscured by screens or other such devices as would reduce passive surveillance of the area to the west of the building.
- (i) A portion of the service yard to the north of Block B shall comprise a roof covering or other similar structure to act as a visual and noise barrier between the northern residential accommodation of Block B and the service yard below, details of which shall be submitted to the planning authority for written agreement.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of providing a satisfactory standard of residential amenity for occupants of the development and to improve overlooking of pedestrian routes through the site.

4. The shared accommodation units hereby permitted shall operate in accordance with the definition of Build to Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018.

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

5. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first 'shared living units' within the scheme.

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

6. Prior to expiration of the 15 year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a shared accommodation scheme. Any proposed amendment or deviation from the shared accommodation model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

7. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the management company, established to manage the operation of the development together with a detailed and comprehensive Shared Accommodation Management Plan which demonstrates clearly how the proposed shared accommodation scheme will operate.

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area, and in the interests of residential amenity.

8. Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes 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 Bord Pleanála for determination.

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

9. Details of all security shuttering, external shopfronts, lighting and signage shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial and retail units.

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

10. Noise mitigation measures outlined in the Technical Note 'Summary of Potential Noise Impacts on Residential Amenity' (dated 2<sup>nd</sup> December 2020) shall be carried out in full, except where otherwise agreed with the planning authority.

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

11. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause a nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

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

12. No additional development shall take place above roof parapet level of the shared accommodation buildings, 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 residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

13. Proposals for a development name, office and commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development or installation of lighting. Such lighting shall be provided prior to the making available for occupation of the shared accommodation.

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

15. 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 interests of visual and residential amenity.

16. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- (a) Prior to the commencement of development all works proposed on the public road in particular footpaths and carriageway changes at the junction of Connaught Street and Phibsborough Road, shall be subject to written agreement with the planning authority. Any works to the existing public road and the public realm, including relocation of traffic control cabinets, removal of car parking, loading bays and set down areas, road and footpath modifications, and signage, shall be carried out at the developer's expense and to the detailed requirements of the planning authority.



- (b) The proposed new civic space, footpaths and hard landscaping areas to be taken in charge including all materials and public lighting shall be agreed in writing with the planning authority prior to commencement of development. All materials shall be in accordance with the requirements of the planning authority.
- (c) A minimum of four number car parking spaces within the development shall be permanently allocated to Car Club use.
- (d) Details of the bicycle parking space location, layout, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.
- (e) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interests of traffic, cyclist and pedestrian safety, to ensure adequate bicycle parking provision is available and to protect residential amenity.

17. Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Streets Interim Advice Note – Covid Pandemic Response (May 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

18. 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 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.

19. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs and materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures;
  - (c) provision for nesting for swifts, through the use of 'swift bricks' into the normal courses of facades, 'swift boxes' under eaves, or 'swift towers' in courtyards;
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes;
  - (e) details in relation to public furniture and benches and public artwork;
  - (f) details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first five years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of amenity, ecology and sustainable development.

20. A qualified ecologist shall survey the site for invasive alien species designated under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 to produce a verification report which shall be submitted to the planning authority for written agreement prior to commencement of development to ensure all invasive species have been eradicated from the site. Should any invasive alien species be found, an Invasive Alien Species Management Plan shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interest of amenity, ecology and sustainable development.

21. 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 and for the ongoing operation of these facilities 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.

22. 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.

23. The construction of the development shall be managed in accordance with a 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 a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction and demolition waste.

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

24. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

25. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

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

26. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, 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 local 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.

27. 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 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.

