

An  
Bord  
Pleanála

## Board Order ABP-309836-21

### Planning and Development Acts 2000 to 2020

### Planning Authority: South Dublin County Council

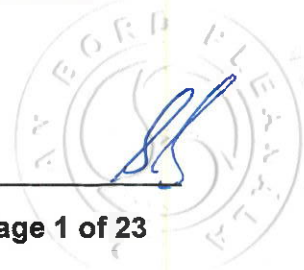
**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 30<sup>th</sup> day of March 2021 by Ardstone Homes Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin.

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

Construction of 241 number residential units: in five number apartment blocks, ranging in height from four to six storeys; three number three storey duplex blocks; and, a dedicated community building space (circa 552 square metres).

The development will provide 93 number one-bed and 148 number two-bed units, as follows:

- Block A is a five storey block comprising 40 number units (20 number one-bed units; and 20 number two-bed units). Block A includes balconies on southern, northern and western elevations. A dedicated community building space comprising circa 552 square metres will also be provided on the ground floor of Block A.
- Block B is a part two storey, part four storey block comprising 34 number units (18 number one-bed units; and 16 number two-bed units). Block B includes balconies on southern, southern, western and eastern elevations.



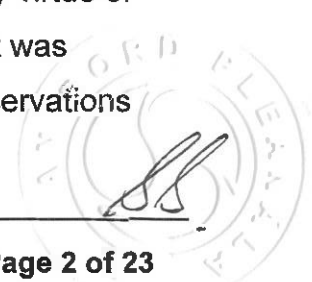
- Block C is a part four storey, part five storey block comprising 43 number units (21 number one-bed units; and 22 number two-bed units) Block C includes balconies on southern, eastern and western elevations. Residential Tenant Amenities comprising circa 171 square metres is provided at ground floor level of Block C to serve all residential units, comprising: a reception area, games space, residents lounge and gym space.
- Block D is a five storey block comprising 49 number units (21 number one-bed units; and 28 number two-bed units). Block D includes balconies on southern, western and eastern elevations.
- Block E is a six storey block comprising 47 number units (13 number one-bed units; and 34 number two-bed units). Block E includes balconies on southern, western, eastern and northern elevations.
- Three number three storey duplex blocks are provided to the western boundary of the site, comprising 28 number two-bed units. Balconies and terrace space is provided to the eastern elevation all located at this site principally bounded by the White Pines North to the west; Stocking Avenue to the south; Green Acres House to the east; and the M50 to the north, Stocking Avenue, Woodstown, Dublin 16.

## **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 in the South Dublin County Council Development Plan 2016-2022; and Ballycullen-Oldcourt Local Area Plan (2014), as extended;
- (b) The provisions of Project Ireland 2040 National Planning Framework in particular Objectives 27 and 33;
- (c) The provisions of the Dublin Metropolitan Area Strategic Plan, part of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016
- (e) 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;
- (f) 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;
- (g) 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;
- (h) 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 December 2020;
- (i) 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;

- (j) The location of the site in an established suburban area and in an area zoned residential;
- (k) The nature, scale and design of the proposed development;
- (l) The availability in the area of a wide range of educational, social, community and transport infrastructure;
- (m) The pattern of existing and permitted development in the area;
- (n) The Chief Executive's Report of South Dublin County Council;
- (o) The submissions and observations received;
- (p) 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 document 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, as amended, an Environmental Impact Assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) The submissions from the developer, planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the developer, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the developer and submissions made in the course of the planning application.

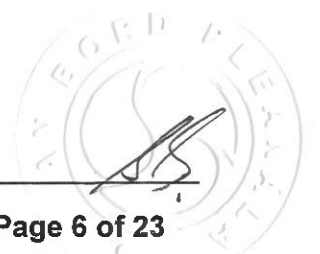
The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- (a) Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- (b) A significant direct effect on land by the change in the use and appearance of a relatively large area of non-productive farmland and hardstanding to residential. Given the location of the site within the built up area of Dublin and the public need for housing in the region, this effect would not have a significant negative impact on the environment.



- (c) Potential significant effects on soil during construction, which will be mitigated by the reuse of most material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- (d) Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- (e) Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- (f) Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- (g) A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

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 that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive's Report from South Dublin County Council.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the South Dublin County Council Development Plan 2016-2022; and Ballycullen-Oldcourt Local Area Plan (2014), as extended, in relation to building height, the Ballycullen-Oldcourt Local Area Plan (2014), as extended, in relation to residential density and dwelling mix, and the South Dublin County Council Development Plan 2016-2022 in relation to separation distances.

The Board considers that, having regard to the provisions of section 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Ballycullen-Oldcourt Local Area Plan (2014), as extended, and South Dublin County Council Development Plan would be justified for the following reasons and consideration:

- (a) In relation to section 37(2)(b)(i) of the Planning and Development Act 2000, as amended:

The current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and the Project Ireland 2040 National Planning Framework fully support the need for urban infill residential development, such as that proposed on this site.



- (b) In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended:

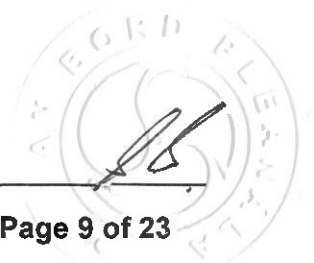
It is the view of the Board that the objectives of Housing (H) Policy 8, to support higher densities, conflict with the limitations in height contained within Housing (H) Policy 9 Objectives 3 and 4 in the South Dublin County Council Development Plan 2016-2022. While the objectives contained within Housing Policy (H) 8 generally encourage higher densities and efficient use of lands, at appropriate locations, Housing (H) Policy 9 Objective 3 seeks to ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also section 11.2.7 Building Height of the South Dublin County Council Development Plan 2016-2022); and Housing (H) Policy 9 Objective 4 seeks to direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme. Given that higher densities are generally associated with increased heights, limiting new residential development to no more than two storeys in height unless a separation distance of 35 metres is maintained as outlined by Housing (H) Policy 9 Objective 3 and restricting developments that exceed five storeys to the limited number of sites that fulfil Housing (H) Policy 9 Objective 4, conflicts with the objective to maximise the most efficient use of remaining sites, which may also be suitable for higher densities.





- (c) In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended:

Permission for the development should be granted having regard to guidelines under section 28 of the Planning and Development Act 2000, as amended, and the Project Ireland 2040 National Planning Framework, specifically in relation to the matter of building height, Specific Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018 which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant Development Plan or Local Area Plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework in particular Objectives 13 and 35. An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018. Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs.



- (d) In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended:

The Board notes the recent approval for a strategic housing development application on the Scholarstown Road ('Beechpark' and 'Maryfield', Scholarstown Road, Dublin 16) for a development of 590 number residential units, up to six storeys in height (An Bord Pleanála Reference Number ABP-305878-19) and now under construction, located approximately 500 metres to the north of this site. Approximately 1.2 kilometres to the north east at Taylors Lane, Ballyboden, Dublin 16, permission has been granted for 496 number apartments, up to seven storeys in height (An Bord Pleanála Reference Number ABP-307222-20). A neighbourhood centre and apartment building are under construction at present close to the subject site, South Dublin County Council Register Reference Number SD19A/0345 refers. As such precedent for higher buildings and higher densities than currently exist has been established in this area.

## 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, such issues may be referred to An Bord Pleanála for determination.

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

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 17 of the Environmental Impact Assessment Report 'Mitigation Measures and Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.

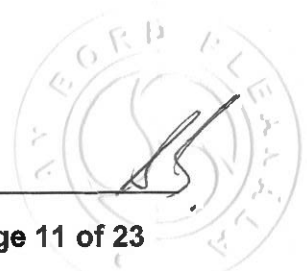
**Reason:** In the interest of protecting the environment and in the interest of public health.

3. The proposed development shall be amended as follows:

48 number perpendicular car parking spaces along the northern side of the access street in front of Blocks D and E shall be removed and replaced with a lesser number of parallel car parking spaces. Road widths to be reduced in width in line with the requirements of Design Manual for Urban Roads and Streets.

Plans and particulars that detail this amendment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity and to promote more sustainable forms of transport.



4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise 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.

5. The boundary planting and areas of communal open space and public open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

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

6. 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 for each apartment unit 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.



7. 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 residential amenities of property in the vicinity and the visual amenities of the area.

8. Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity.

9. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Residential Lighting Analysis, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

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

10. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and or future proof the development such as would facilitate the use of electric vehicles.

11. All roads and footpaths shown connecting to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the planning authority.

**Reason:** In the interest of permeability and proper planning and sustainable development.

12. 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 Street 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.

13. The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and uses over time and shall include a strategy for the community use and any car share parking. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.

**Reason:** In the interest of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.



14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

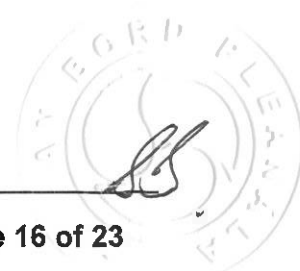
**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. Details of any alterations to the road and pedestrian network serving the proposed development, including loading areas, footpaths, kerbs and access road to the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

16. 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 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.





17. (a) Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.
- (b) The Ballycullen to Oldcourt Local Network Reinforcement Project is underway and will be completed by the end of 2021. No unit shall be occupied until the Local Network Reinforcement Project is complete, unless otherwise agreed with the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

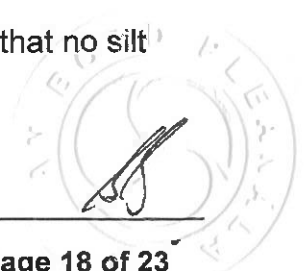
**Reason:** In the interest of public health.

18. Construction and demolition waste shall be managed in accordance with a final 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.

19. The construction of the development shall be managed in accordance with a final 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) Works to remove trees and structures from the site shall take place outside of bird nesting season;

- (b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (c) Location of areas for construction site offices and staff facilities;
- (d) Details of site security fencing and hoardings. Hoardings shall include a one square metre area on each road frontage detailing site management contact details;
- (e) Details of on-site car parking facilities for site workers during the course of construction;
- (f) 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;
- (g) Measures to obviate queuing of construction traffic on the adjoining road network;
- (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 and demolition waste and details of how it is proposed to manage excavated soil;
- (m) Details of dewatering arrangements for construction of the basement to be determined in consultation with the Drainage Division at South Dublin Council and Inland Fisheries Ireland;
- (n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.



- (o) 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.
- (p) A community liaison officer shall be appointed for the duration of the construction works.

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

20. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive and 0800 to 1300 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.

21. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause 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.

22. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

23. Proposals for an estate and street name, apartment block name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or 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 legibility and to ensure the use of locally appropriate place names for new residential areas.

24. 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 the commencement of any site operation including hydrological and geotechnical investigations relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site 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.

25. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. 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.

26. 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 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.

27. 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.

28. 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.



**Stephen Bohan**

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



Dated this 19/6 day of July 2021