

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21<sup>st</sup> day of January 2022 by Jamestown Village Limited care of John Spair Associates of 39 Fitzwilliam Place, Dublin.

The proposed comprises the redevelopment of a vacant former factory site (circa 1.76 hectares) and construction of a mixed use development across five number Blocks (A-E) providing 321 number Build to Rent apartments, 110 number one-bed and 211 number two-bed units (each with balcony or terrace) and circa 4,497 square metres gross floor area of commercial uses.

- (a) Demolition of existing Electricity Supply Board substation and boundary treatments.
- (b) Block A (six number storeys) comprises a circa 195 square metre café, bicycle and bin storage, Electricity Supply Board substation, meter room and switch room at ground floor level with 79 number apartments (28 number one-bed and 51 number two-bed units) at ground to fifth floor level.
- (c) Block B (six number storeys) comprises 47 number apartments (23 number one-bed and 24 number two-bed units) with bike storage and meter room at ground floor level.
- (d) Block C (six number storeys) comprises a circa 290 square metre crèche, bin and bicycle storage, Electricity Supply Board substation, meter rooms and

switch room at ground floor and 90 number apartments (34 number one-bed and 56 number two-bed units) at ground to fifth floor level.

- (e) Block D (six number storeys) comprises a circa 450 square metres public gymnasium, Electricity Supply Board substation, switch room, meter room, bin and bike storage at ground floor alongside residential amenity space (circa 841.6 square metres) at ground floor including gym, study area, library and quiet room, lounge, games area, kids play room, shared kitchen and cinema room with 105 number apartments (25 number one-bed and 80 number two-bed units) at first to fifth floor level and external roof terrace (circa 69 square metres).
- (f) Block E (five number storeys) comprises circa 125 square metres of retail, circa 262 square metres of flexible office space, Electricity Supply Board substation, switch room, water closets, reception and bin store at ground floor with circa 2,176 square metres of flexible office space at first to fourth floor level, with circa 686.8 square metres basement below providing 56 number bicycle parking spaces, plant, storage and shower facilities associated with the office building.
- (g) Provision of external communal open space in a landscaped garden courtyard extending to circa 1,891 square metres with children's play area, open air stairs and lift providing access to basement parking and circa 168 square metres of communal open space at residents' allotments at the southern elevation of Block D, with circa 2,045 square metres of public open space provided, bicycle parking areas provided throughout the surface level of the site.
- (h) Shared vehicular and bicycle access is taken from a new secondary access road branching west from Jamestown Road at the northeast corner of the site (extending to the western boundary), with 17 number surface car parking spaces (including eight number visitor [three number accessible], four number crèche, five number Go Car [one accessible] spaces) in the northern part of site, with ramp access to a basement level (circa 6,386 square metres) providing 175 car parking spaces (163 number residential [5 number accessible], five number Go Car, seven number office [one accessible]) and

12 number motorbike parking spaces, with a total of 907 number bicycle parking spaces (171 number at ground floor and 736 number at basement).

- (i) A total of circa 1,049.2 square metres of residential support facilities in the form of laundry, management suite, reception, water closets, bin and bike storage.
- (j) All circulation and ancillary uses, associated infrastructure and enabling works associated with the development, green and blue roofs, telecommunications equipment (radio antennas and microwave link dishes at Block D roof level) landscaping, pedestrian access, set down area at southern perimeter boundary treatments and Electricity Supply Board substation at northern perimeter all located at Former Factory Site, Finglas Business Centre, Jamestown Road, Dublin.

## 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.

## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) The location of the site on lands with a zoning objective for residential development;
- (b) The policies and objectives as set out in the Dublin City Development Plan 2016-2022;
- (c) The nature, scale and design of the proposed development;
- (d) The pattern of existing development in the area;
- (e) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;



- (f) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (g) The provisions of Project Ireland 2040 National Planning Framework;
- (h) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (i) 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;
- (j) 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;
- (k) 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;
- (l) 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;
- (m) 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;
- (n) The submissions and observations received;
- (o) The Chief Executive's Report from Dublin City Council;
- (p) The report of the Planning Inspector.



## Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European Sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## Environmental Impact Assessment

The Board completed a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands zoned Z14 in the Dublin City Development Plan 2016-2022 with the associated land use objective 'to seek the social, economic and physical development and or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses'. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.

- 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).
- The location of the development outside of any sensitive location specified in Article 299C(1)(v) of the Planning and Development Regulations 2001, as amended.
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Flood Risk Assessment, Appropriate Assessment Screening Report, Air Quality Impact Assessment, Inward Noise Impact Assessment, Hydrological and Hydrogeological Qualitative Risk Assessment, Site Specific Outline Construction and Environmental Management Plan, Site Specific Construction and Demolition Waste and By-Product Management Plan, Operational Waste Management Plan and Waste Classification Report.

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development 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 the proposed development is, apart from the parameters of Strategic Development and Regeneration Area 19 of the Dublin City Development Plan 2016-2022 with regard to Land Use and Activity Mix, Masterplan, Density and Green Infrastructure Strategy, broadly compliant with the provisions of the Dublin City Development Plan 2016-2022 and 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 would materially contravene Strategic Development and Regeneration Area 19 of Dublin City Development Plan 2016-2022, as outlined below: -

- Guiding Principle 2 Land Use and Activity of Strategic Development and Regeneration Area 19 states that lands within the Jamestown Character Area shall be developed at an approximate ratio of 70% employment or commercial and 30% residential. The proposed development includes a ratio of 13% employment or commercial uses and 87% residential uses and, therefore, does not comply with the provisions of Strategic Development and Regeneration Area 19.
- Strategic Development and Regeneration Area 19 requires that a masterplan be prepared of the lands to ensure that development occurs in a sustainable and coherent manner which complies with the guiding principles, to be agreed with the planning authority, before the lodgement of any planning application. The subject application has been lodged prior to the completion of the masterplan and, therefore, is not in accordance with the provisions of Strategic Development and Regeneration Area 19.
- Guiding Principle 2 Land Use and Activity of the Strategic Development and Regeneration Area states that net densities for residential plots will have a range of 80-100 number units per hectare within the Jamestown character area. The proposed development has a density of circa 208 number units per net hectare, which is in excess of the stated net densities and does not accord with the provisions of Strategic Development and Regeneration Area 19.

- Guiding Principle 5 of the Strategic Development and Regeneration Area states that 'a Green Infrastructure Strategy must be prepared and agreed with Dublin City Council prior to any permission being lodged'. A strategy in this respect has yet to be prepared and agreed with Dublin City Council, therefore, it is not in accordance with Strategic Development and Regeneration Area 19.

The Board considers that, having regard to the provisions of section 37(2)(b)(i) 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:

- The subject site has an area of circa 1.76 hectares and would deliver 321 number residential units in the urban area. The site's urban location supports the consolidation of the urban environment as outlined in within the Metropolitan Area Strategic Plan, which is part of the Regional Spatial and Economic Strategy 2019-2031. The provision of a significant quantum of residential units is also in accordance with the government policy as set out in the Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021. The site is also located in close proximity to public transport, employment hubs and a range of services and facilities within the city. It is, therefore, considered that this scheme is strategic by reason of its location and scale, and is critical and integral to the success of national policy, in addressing both housing and homelessness in the City and consolidating the urban environment.

The Board considers that, having regard to the provisions of section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention Strategic Development and Regeneration Area 19 of the Dublin City Development Plan 2016-2022 with regard to the provision of a Master plan and a Green Infrastructure Strategy would be justified for the following reasons and considerations:

- The subject site is on the vacant site register. It is considered that the requirement for the completion of a masterplan and green infrastructure plan to be completed prior to the lodgement of any planning applications would conflict with Policy SC29 to discourage dereliction and Policy CEE16(i) to engage in active land management of vacant sites.

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Strategic Development and Regeneration Area 19 of the Dublin City Development Plan 2016-2022 with regard to Land Use and Activity Mix would be justified for the following reasons and considerations:

- Objective 33 of Project Ireland 2040 National Planning Framework to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Regional Policy Objective 5.5 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 which recommends that the future residential development in the Dublin Metropolitan Area follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs.

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Strategic Development and Regeneration Area 19 of the Dublin City Development Plan 2016-2022 with regard to Density would be justified for the following reasons and considerations:

- Objective 35 of Project Ireland 2040 National Planning Framework which supports increased residential densities at appropriate locations.
- Regional Policy Objective 5.4 and Regional Policy Objective 5.5 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 which encourage the provision of higher densities and the consolidation of Dublin and suburbs.

The Board considers that, having regard to the provisions of section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Strategic Development and Regeneration Area 19 of the Dublin City Development Plan 2016-2022 with regard to Density would be justified for the following reasons and considerations:

- Since the making of the Dublin City Development Plan 2016-2022 the Board granted permission under An Bord Pleanála Reference Number ABP-310350-21 for 590 number apartments and commercial uses in 4 number Blocks ranging in height from two to 10 storeys with a density of 188 units per hectare at Charlestown Place, St. Margaret's Road, Charlestown circa 700 metres west of the subject site; An Bord Pleanála Reference Number ABP-310722-21 for 191 number apartments in three blocks ranging in height from single storey to six storeys with a density of 155 units per hectare at Finglas Road circa 1.5 kilometres south of the subject site; and An Bord Pleanála Reference Number ABP-305538-19 for 129 number apartments in five blocks ranging in height from five to nine storeys with a density of 171 units per hectare at Balbutcher Lane and St. Margaret's Road circa 1.2 kilometres east of the subject site.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i), (ii), (iii) and (iv) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

It is considered that, subject to compliance with the conditions set out below, the proposed development 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 and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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, or as otherwise stipulated by conditions hereunder, 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 proposed development shall be amended as follows: -
    - (a) All seven number units (B.G.01, B.G.02, B.G.03, B.G.04, B.G.05, B.G.06 and B.G.07) at the ground floor level of Block B, shall be permanently omitted and replaced with internal residential amenity space. The details of the proposed mix of uses and facilities provided within this internal amenity space shall be agreed with the planning authority.
    - (b) The five number corner windows on the northern elevation of Block B and the five number corner windows on the southern elevation of Block B, at first to fifth floor level, shall be fitted with louvers or an alternative appropriate screening. In the interest of clarity this relates to unnumbered units above ground floor units B.G.01 and B.G.03.
- 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 privacy and residential amenity.



3. The development hereby permitted shall be for Build to Rent units which 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 December 2020 and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

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

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

5. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the proposed 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 apartments within the scheme.

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



6. (a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates or security barrier at the entrance to the development or within the development in a manner which would prevent pedestrian access
- (b) Prior to the occupation of any residential unit, the developer shall ensure that the public realm areas and new pedestrian routes, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the public.

**Reason:** In the interests of social inclusion and to secure the integrity of the proposed development including open spaces.

7. (a) Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, final details of the number and location of bicycle parking spaces within the scheme. Bicycle parking spaces shall be secure, sheltered and conveniently located.
- (b) Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed with the planning authority prior to the occupation of the development.

**Reason:** In the interests of encouraging the use of sustainable modes of transport and residential amenity.

8. 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

9. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking



10. Prior to the occupation of the residential units, a Mobility Management Strategy 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. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

11. 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 interests of visual amenity and to ensure an appropriate high standard of development.

12. The hours of operation of the roof terrace at Block D shall be 0700 to 2200 hours Monday to Sunday, unless otherwise agreed in writing with the planning authority.

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



13. Prior to commencement of the development, details of all areas of boundary treatment, play equipment and planting, shall be submitted to, and approved, by the planning authority. Boundaries and areas of public communal 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. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

14. Prior to commencement of development the applicant shall agree in writing with the planning authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

**Reason:** In the interest of place making and visual amenity.

15. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, 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.

16. 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.

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

18. In the event of the proposed telecommunications structure becoming obsolete and being decommissioned, the developer shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

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

19. 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.

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

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

21. 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 provisions of 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.

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

22. 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 details of intended construction practice for the development, including 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.



23. 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.

24. 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 and surface water management.

25. 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.

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 provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public 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 or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge


DECISION QUASHED

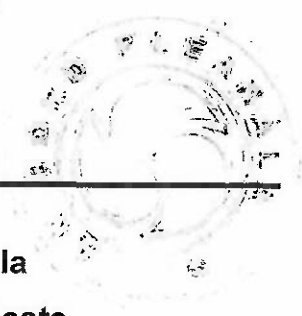


27. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

**DECISION QUASHED**

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



Dated this 22<sup>nd</sup> day of August 2022