



An
Bord
Pleanála

Board Order
ABP-320886-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: LRD0021/S3E

Appeal by Lorraine Kelly of 5 Orchard Avenue, Weavers Road, Clonsilla, Dublin and by McHugh Property Holdings Limited care of KPMG Future Analytics of 1 Stokes Place, Saint Stephens Green, Dublin and by Others against the decision made on the 4th day of September 2024, by Fingal County Council to grant, subject to conditions, a permission to McHugh Property Holdings Limited care of KPMG Future Analytics in accordance with plans and particulars lodged with the said Council.

Proposed Development: Proposed Development: The proposed development will consist of the demolition of existing buildings and structures (314.7 square metres) on site and the construction of a residential-led scheme (19,244 square metres total Gross Floor Area of which 17,330 square metres relates to the residential element of the development) comprising 170 number apartment/duplex units consisting of 45 number one-bedroom units, 115 number two-bedroom units and 10 number three-bedroom units. The development also includes the provision of a single-storey café (62 square metres) with external seating located to the front of the site adjacent Clonsilla Road and a childcare facility (285 square metres) located in Block C with

accommodated across 7 blocks up to five-storeys in height and is described on a block-by-block basis as follows:

- Blocks A and B contain 55 number apartments comprising 21 number one-bedroom units and 34 number two-bedroom units with associated ancillary accommodation, circulation space and lift/stair cores in two connected blocks ranging in height from four to five storeys. Communal open space is provided in the form of a landscaped podium courtyard (636 square metres) at first floor level above an undercroft car park. Three number bike stores accommodating 108 number cycle spaces are also provided.
- Block C contains 36 number apartments comprising five number one-bedroom units and 31 number two-bedroom units with associated ancillary accommodation, circulation space and lift/stair cores in a block of four-storeys. The ground floor of Block C incorporates a childcare facility (285 square metres) with associated secure outdoor play space (105 square metres) and dedicated set down area. The ground floor of Block C also includes a bike store accommodating 79 number cycle spaces.
- Blocks D and E contain 59 number apartments comprising 19 number one-bedroom units and 40 number two-bedroom units with associated ancillary accommodation, circulation space and lift/stair cores in two connected ranging in height from four to five storeys. Communal open space is provided in the form of a landscaped podium courtyard (674 square metres) at first floor level above an undercroft car park. Two number bike stores accommodating a total of 113 number cycle spaces are also provided.
- Two number duplex blocks containing a total of 20 number duplex units comprising 10 number two-bedroom units and 10 number three-bedroom units with a total height of three storeys. Communal open space (1,129 square metres) is provided in the form of landscaped residential amenity area to the rear of the duplex blocks with private open space provided in front and rear gardens which include dedicated bike stores (accommodating a total of 20 number cycle parking spaces). A communal bike store accommodating 37 number cycle parking spaces is located to the rear of the duplex units.

Planning permission is also sought for the provision of public open space (3,498 square metres) in the form of a public park, two number public plazas (one located adjacent to Clonsilla Road and one located in the centre of the development between Blocks B and D), play areas, grass lawns, a nature walk route along the southern boundary of the site, communal open space, and all ancillary accommodation including substation, refuse stores, cycle stores, and comms/meter rooms. Private open space for the apartment units is achieved through the provision of balconies, terraces and private gardens. The development includes the provision of 77 number car parking spaces which includes 20 number EV parking spaces, five number accessible parking spaces, two number car club spaces and one number parent and child parking space associated with the childcare facility. The development also includes the provision of eight number motorcycle spaces and 357 no. secure covered residential long term cycle parking spaces and 102 number short term cycle parking spaces in the form of Sheffield stands. Vehicular access to serve the development is proposed via Porterstown Road to the east of the application site with dedicated pedestrian and cycle access proposed via Clonsilla Road. Upgrades to facilitate improved access to the east of the Clonsilla Inn including the addition of a pedestrian and cycle path, the reconfiguration of the existing parking arrangements to the front of the pub, as a means of improving passive surveillance and pedestrian safety are also proposed. Planning permission will also be sought for all other site and development works including hard and soft landscaping, internal roads and pathways, boundary treatments, public lighting, green and blue infrastructure, associated signage and all associated works and infrastructure to facilitate the development including connection to foul and surface water drainage and water supply. Upgrades to Porterstown Road include the addition of a raised table with two number additional road gullies at each side of the raised table, all on a site (2.05 hectares) located on lands to the front and rear of The Clonsilla Inn, Dublin 15 (townland of Porterstown). The subject lands are bound by The Clonsilla Inn and Clonsilla Road to the north, Porterstown Road to the east, the village to the south and Orchard Avenue to the west. The



subject lands currently house two detached residential dwellings and are predominantly characterised by overgrown vegetation with an existing access road connecting the 'Lodge', located in the western portion of the site to Clonsilla Road via Orchard Avenue.

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, and as relevant been consistent with, the following:

- (a) Policies and objectives set out in the National Planning Framework 2040 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- (b) Policies and objectives set out in the Fingal Development Plan 2023-2029, including the location of the site on lands subject to Zoning Objective 'TC' Town and District Centre' and the permitted uses therein.
- (c) Fingal County Council Development Contribution Scheme 2021-2025, and the Supplementary Development Contribution Scheme in respect of the Clonsilla to Dunboyne (Pace) Railway Line.
- (d) Housing for All, A New Housing Plan for Ireland, 2021.
- (e) Climate Action Plan, 2024.
- (f) National Biodiversity Plan 2023-2030.
- (g) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.

- (h) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- (j) Design Manual for Urban Roads and Streets, 2019.
- (k) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- (l) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- (m) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- (n) Development Management, Guidelines for Planning Authorities, 2007.
- (o) The nature, scale, and design of the proposed development.
- (p) The availability in the area of a range of social, community, and transport infrastructure.
- (q) The pattern of existing and permitted development in the area.
- (r) The planning history at the site and within the area.
- (s) The reports of the planning authority.
- (t) The submissions received by the planning authority from observers and prescribed bodies.
- (u) The grounds of appeal and observations.
- (v) The responses to the grounds of appeal by the planning authority and the applicant.
- (w) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment and Environmental Impact Assessment.



Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded 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 an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening

The Board completed an Environmental Impact Assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the proposed development on the environment.

The Board had regard to:

- (a) the nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on zoned lands (Zoning Objective 'TC' Town and District Centre), and other relevant policies and objectives in the Fingal Development Plan 2023-2029, and the results of the strategic



environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC),

- (c) the infill nature of the site (greenfield/ brownfield) and its location in urban neighbourhood area, which is served by public services and infrastructure,
- (d) the pattern of existing and permitted development in the area,
- (e) the planning history at the site and within the area,
- (f) the location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations,
- (g) the guidance 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 set out in Schedule 7 of the Planning and Development Regulations 2001, as amended,
- (i) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive,
- (j) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment, Landscape Visual Impact Assessment, Arboricultural Report, Site Specific Flood Risk Assessment, Archaeological Impact Assessment, Noise Impact Assessment, Wind Microclimate Modelling Report, and Mobility Management Plan.

The Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact

Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable 'TC' Town and District Centre zoning objectives and other policies and objectives of the Fingal Development Plan 2023-2029, would appropriately intensify the residential use at the site, would constitute an acceptable mix and quantum of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. 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 to the planning authority on the 11th day of July 2024, as amended by the plans and particulars received by An Bord Pleanála on the 30th day of October 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed hammerhead to link with Orchard Avenue shall be omitted and the area set aside for that purpose shall be reallocated for open space. Revised boundary details between the development site and Orchard Avenue shall incorporate a 1.8-metre-high mild steel fence with native hedgerow planted alongside. Prior to commencement of development, revised plans and particulars indicating same, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of pedestrian and traffic safety.

3. Mitigation and monitoring measures outlined in the plans and particulars, including the outline Construction Environmental Management Plan, Ecological Impact Assessment, Landscape Visual Impact Assessment, Arboricultural Report, Site Specific Flood Risk Assessment, Noise Impact Assessment, Wind Microclimate Modelling Report, and Mobility Management Plan, submitted with this application shall be carried out in



full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment, public health, and clarity.

4. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment included in application documents shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

5. Prior to the commencement of development, a final Construction Environmental Management Plan (CEMP) shall be prepared and submitted to the planning authority for written agreement. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

6. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

7. Proposals for an estate/street name, house 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 house 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/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.

8. (a) Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.
- (b) Details of security shuttering, external lighting, and signage for the café and childcare facility shall be agreed in writing with the planning authority prior to commencement of development.
- (c) Details of a maintenance strategy for all external finishes within the proposed development shall be submitted for the written agreement of 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 visual amenity.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within a finalised agreed Landscape Masterplan and Planting Schedule. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

10. 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.

11. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 on 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.

13. The development shall be implemented subject to the following:
- (a) The development of the site shall be undertaken in a phased manner in accordance with Proposed Site Phasing Plan Drawing number CLO-ALT-00-00-DR-A-226, subject to Condition 13 (b) and (c) below, unless otherwise agreed in writing with the planning authority.
 - (b) Development works indicated in Phase 4 shall be incorporated into Phase 1. Construction of Phase 2 shall not be commenced until such time as the childcare facility (included in Phase 1) is constructed, available for use and/ or operational, to the satisfaction of the planning authority.

- (c) The occupation of residential units within each phase shall be restricted until the public and/ or communal open spaces to serve that phase has/ have been developed, landscaped, and made available for use, to the satisfaction of the planning authority.

Reason: In the interest of orderly development and to ensure the timely provision of amenities and infrastructure for future residents.

- 14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 15. The following requirements shall be complied with:

- (a) A revised drawing shall be submitted detailing the 4.5 metres set-back from the road edge on the Clonsilla Road as a reservation area for future pedestrian and cycle provision and this area shall be kept free from development that could prejudice the future provision of infrastructure. The land shall be ceded to the planning authority.
- (b) One number minimum commercial EV parking space shall be provided. The design shall ensure that the provision of EV charging stations do not obstruct the footpath and maintain suitable width for pedestrians and consider universal access. Publicly accessible EV parking spaces shall be clearly marked and be capable of communicating usage data with the National Charge Point Management System.

- (c) The design of the Cycle Street shall be agreed in writing with the planning authority prior to construction.
- (d) The exact location of the zebra crossing on Porterstown Road shall be determined by the planning authority, which shall be provided by the planning authority at the expense of the Developer.
- (e) A final Taking In Charge drawing shall be submitted to and agreed in writing with the planning authority prior to commencement of development. All areas intended for taking in charge shall be constructed and maintained to the Council's standard for taking in charge, including any roads, footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development. In addition, all works required to the public footpath and road as part of the proposed development shall be constructed to the planning authority's standards for taking in charge.
- (f) The development's Management Company shall provide a Residential Travel Plan to residents and shall appoint a Travel Plan Coordinator including the monitoring and surveys in relation to travel patterns to promote sustainable travel and limit private car use. Following the implementation of the development's Travel Plan the Car Club/ Car sharing spaces shall be expanded in line with demand and monitoring through the Residential Travel Plan.
- (g) The detail and security arrangement, and management arrangements for the proposed bicycle parking provision, including that of the bicycle lockers, shall be agreed in writing with the planning authority prior to commencement of development.
- (h) The design of the turning head and nature walk route located in the southern green space and the repositioning of the bins stores at this location shall be agreed with the planning authority prior to construction.



- (i) The development's Management Company shall ensure that the cycle parking areas are subject of a funded maintenance regime that ensures that facilities are kept clean, free of graffiti, well-lit and the parking equipment is properly maintained.
- (j) No objects, structures or landscaping shall be placed or installed within the visibility triangle at the vehicular entrance onto the public road, exceeding a height of 900 millimetres; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- (k) Road Safety Audits shall be carried out as part of the proposed development at the relevant stages as outlined in the current edition of Transportation Infrastructure Ireland guidelines GE-STY-1027.
- (l) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary, at the developer's own expense and according to the requirements of the planning authority.
- (m) All stormwater shall be disposed of into soakpits or drains within the site and shall not discharge onto the public road.
- (n) A detailed Construction Traffic Management Plan shall be submitted for the approval of the planning authority prior to construction.

Reason: In the interest of traffic, pedestrian and cyclist safety, and sustainable transport.

16. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, set down/ drop off area(s), parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes 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 and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic, pedestrian and cyclist safety.

17. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ 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.

18. (a) The management and maintenance of the development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being so taken in charge.



- (b) The communal open spaces, hard and soft landscaping, car and cycle parking areas, access ways, refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by the legally constituted management company.
- (c) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: In the interest of orderly development and to provide for the satisfactory future maintenance of this development.

19. (a) The areas of communal and public open space in the development shall be levelled, contoured, soiled, seeded, and landscaped (hard and soft) in accordance with the landscaping plans and particulars as submitted with the application unless otherwise agreed with the planning authority.
- (b) Final design, finishes, methods of construction and/ or installation of footpaths, cycle paths, seating, crossing points over ditches/ drains/ SuDS features, and equipment in play areas shall be submitted to the planning authority for its written agreement.
 - (c) The landscaping work shall be undertaken in accordance with the phasing requirements stipulated in Condition 13 and shall be completed before the applicable residential units are made available for occupation, unless otherwise agreed with the planning authority.

- (d) The landscaping and planting schedule shall be managed and maintained in accordance with a Landscape Management and Maintenance Plan to be submitted and agreed in writing with the planning authority. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.
- (e) The areas of communal and public open space shall be reserved and maintained as such by the developer until taken in charge by the management company or by the local authority.

Reason: In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the open space areas and their continued use for this purpose.

20. The following requirements shall be complied with:

- (a) The developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of works.
- (b) The arboricultural consultant shall ensure the implementation of all recommendations in respect of tree removal, retention, protection, pruning, and other measures included in the Arboricultural Report, tree plans and particulars.
- (c) Any tree felling, surgery and remedial works shall be undertaken in accordance with applicable BS standards or equivalent standards, supervised by and to the satisfaction of the arboricultural consultant.
- (d) The developer shall facilitate the work of the arboricultural consultant in implementing the measures in the Arboricultural Report and bear the costs of same.

Reason: In the interests of arboricultural and environmental protection.

21. The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the planning authority. The piece of art shall have a relationship with the area. The location of the piece of art shall be agreed with the planning authority prior to the commencement of works on site.

Reason: To comply with Objective DMS0194 of the Fingal Development Plan 2023-2029.

22. (a) No additional development shall take place above roof parapet level of the apartment and/ or duplex blocks 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.
- (b) Roof areas of the apartment blocks shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose.

Reason: To protect the visual amenities of the area and residential amenities of property in the vicinity.

23. (a) An Operational Waste Management Plan (OWMP) containing details for the management of waste within the development, the provision of facilities for the storage, separation, and collection of the waste 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 OWMP.

- (b) The OWMP shall provide for screened communal bin stores for the duplex and apartment blocks, café and childcare facility, the locations and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage for the proposed development.

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

25. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act, 2000, as amended, that restricts all houses

and duplex units permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house unit or duplex for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority to secure the tree removal, retention, protection, pruning, and other measures included in the Arboricultural Report as required by Condition 19 above, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory implementation of said measures. This security shall remain in place until the requirements of Condition 19 above are completed to the satisfaction of the planning authority and for a further period of 10 years following completion of said landscaping works, or as otherwise agreed by the planning authority. In default of agreement on same, the matter(s) shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory implementation of the requirements of Condition 19 in relation to tree preservation, protection, and replanting measures.

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 local authority and/ or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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 financial contribution shall be based solely on the applicable residential and commercial floorspace figures related to the permitted development. The residential element of the contribution shall be calculated on the basis of a floor area of 16,410 square metres. This accounts for exemptions for ancillary accommodation and demolition of existing floorspace on site. Future agreement upon exemption on Part V will be accounted for separately by a reduction in the applicable floorspace and subsequent contribution payable. 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.



28. The developer shall pay a financial contribution of EURO 50,000 to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of a signalised zebra crossing on the Porterstown Road which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

29. The developer shall pay to the planning authority a financial contribution in respect of the Clonsilla to Dunboyne (Pace) Railway Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of



such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.


Chris McGarry

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

Dated this  day of  2025.