



An  
Coimisiún  
Pleanála

Commission Order  
ABP-322702-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: LRD23A/0002**

**Appeal** by Moyville Residents Association (MEERA) of 62 Moyville, Rathfarnham, Dublin and by Ballyboden Tidy Towns CLG care of Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin against the decision made on the 29<sup>th</sup> day of May 2023, by South Dublin County Council to grant subject to conditions a permission to Shannon Homes Dublin Unlimited Company care of McGill Planning of 22 Wicklow Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the demolition of the existing former Institutional buildings and associated outbuildings (circa 5,231 square metres) and construction of a new residential development comprising 402 number apartments (39 number one-beds, 302 number two-beds and 61 number three-beds) within three number blocks ranging in height from two to five storeys over basement/lower ground floor. All residential units will be provided with associated private balconies/terraces to the north/south/east/west elevations.

The development will include the following:

- (a) Block A up to five storeys over basement/lower ground floor providing 118 number units.
- (b) Block B up to five storeys over basement providing 123 number units.
- (c) Block C up to five storeys over basement/lower ground floor providing 161 number units.

The development will also include a crèche (circa 656 square metres) and two number retail units (circa 262 square metres and circa 97 square metres) all located within Block A, along with circa 322 square metres of internal residential communal space located in Block C. The development will include the provision of a new public park in the north of the site along Taylor's Lane.

The development will include 290 number car parking spaces, and 1,054 number cycle parking spaces provided at basement/surface level. The development will include for a revised vehicular access from Edmondstown Road and an emergency vehicular access from Taylor's Lane along with pedestrian/cyclist accesses to/from the site. The development will include for road improvement works along Edmondstown Road including the existing junction of Scholarstown Road/Edmondstown Road.

The development will include for all associated site development works, open spaces, landscaping, SuDs features, boundary treatments, plant areas, waste management areas/bin stores, car/cycle parking areas (including EV parking), and services provision (including ESB substation/kiosks) all at site at Taylors Land and Edmondstown Road, Taylors Lane, Ballyboden, 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 Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State), and had regard to the following:

- (a) the location of the site within the established 'Dublin City and Suburbs' area, on lands with the zoning objective 'Existing Residential (RES)' as identified in the South Dublin County Development Plan 2022-2028, which aims to protect and/or improve residential amenity,
- (b) the nature, scale and design of the proposed development,
- (c) the pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area,
- (d) the provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021,

- (e) the provisions of the National Planning Framework First Revision, April 2025,
- (f) 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,
- (g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023,
- (h) the provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (i) 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 Environment, Community and Local Government in 2019,
- (j) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,
- (k) the provisions of the Greater Dublin Area Transport Strategy 2022-2042 prepared by the National Transport Authority,
- (l) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Office of Public Works and Department of Environment, Heritage and Local Government, 2009,

- (m) The Childcare Facilities Guidelines for Planning Authorities, issued by the Government of Ireland, 2001,
- (n) The Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, July 2023,
- (o) the submissions and observations received,
- (p) the reports from the planning authority, and
- (q) the reports of the Planning Inspector and the Internal Technical Note prepared by the Ecologist.

#### **Appropriate Assessment: Stage 1**

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that South Dublin Bay Special Area of Conservation (Site Code: 000210), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), North Dublin Bay Special Area of Conservation (Site Code: 000206), and North Bull Island Special Protection Area (Site Code: 004006) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

## **Appropriate Assessment: Stage 2**

The Commission considered the Natura Impact Statement, and all other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on South Dublin Bay Special Area of Conservation (Site Code: 000210), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), North Dublin Bay Special Area of Conservation (Site Code: 000206), and North Bull Island Special Protection Area (Site Code: 004006), in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites.

In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

## **Environmental Impact Assessment**

The Commission completed an environmental impact assessment screening of the proposed development. Having regard to:

- (a) the criteria set out in Schedule 7, in particular,
  - (i) the nature and limited scale of the proposed development, in an established residential area served by public infrastructure,
  - (ii) the absence of significant environmental sensitivities in the vicinity,
  - (iii) the location of the development outside of any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
- (b) the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the South Dublin County Development Plan 2022-2028 under the Strategic Environmental Assessment (SEA) Directive,
- (c) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Natura Impact Statement, the Outline Construction Environmental Management Plan, the Resource Waste Management Plan, the Operational Waste Recycling Management Plan, the Infrastructure Design Report, the Ecological Impact Assessment, the Archaeological Assessment, the Site Specific Flood Risk Assessment, the Air Quality Assessment, and the Environmental Noise Survey,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

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

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable quantum of development at this location, would make a positive contribution to the delivery of new housing which would be served by an appropriate level of public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would be acceptable in terms of built heritage impacts, urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increase the risk of flooding to other lands, would not result in any unacceptable ecological or biodiversity impacts, and would be capable of being adequately served by wastewater, surface water, and water supply networks.

The Commission considered that the proposed development would materially contravene the South Dublin County Development Plan 2022-2028 (Section 8.7.3 Quantity of Public Open Space) (Table 8.2 Public Open Space Standards), Section 12.6.10 Public Open Space (Table 12.22 Minimum Public Open Space Standards), Section 8.7.4 (Delivery of Public Open Space and Contributions in Lieu), Policy COS5 Objective 4 and Policy COS5 Objective 5, to require the provision of public open space as part of a proposed development site area, and Policy H8: Public Open Space Objective 1, in respect of the failure to comply with the 'overall standard' for public open space provision. However, the Commission was satisfied that adequate public open space would be provided on site, and that this was justified having

regard to Policy and Objective 5.1- Public Open Space of 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', issued by the Department of Housing, Local Government and Heritage in January 2024. Otherwise, the proposed development would be in accordance with the provisions of the South Dublin County Development Plan 2022-2028, including the zoning objectives for the site. 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 and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented in full.

**Reason:** To protect the integrity of European Sites.

3. (a) The mitigation measures outlined in the plans and particulars submitted with this application, including those set out in Table 9 of the Ecological Impact Assessment, which was submitted with the planning application on the 3<sup>rd</sup> day of April 2023, shall be carried

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

- (b) Prior to the commencement of development, a breeding bird survey shall be undertaken during an appropriate period, utilising current guidance on the undertaking of such surveys.
- (c) The specification for green roofs in the development shall be capable of sustaining rooftop meadow grassland.
- (d) Provision shall be made for the installation of bird boxes, bat boxes, and hedgehog passes.
- (e) All discharges from the site, either directly or indirectly, via the surface water storm network at all phases of the development shall comply with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.
- (f) Any instream works that may be required to make connections for the surface water discharges shall only be undertaken at a suitable time of the year, between the 1<sup>st</sup> day of July and the 30<sup>th</sup> day of September inclusive and shall be carried out in accordance with the guidelines of Inland Fisheries Ireland.

Proposals in relation to (b), (c) and (d) above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity and the protection of biodiversity during the construction and operational phases of the development.

4. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.
- (b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

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

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Proposals for an estate/street name, apartment 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 apartment 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 placenames for new residential areas.

7. 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 the requirements of the mitigation measures listed in the Ecological Impact Assessment. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

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

8. 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.

9. (a) The residential car parking facilities hereby permitted shall be reserved solely to serve the proposed residential units.
- (b) The car parking facilities for the crèche and retail units shall be reserved for these units and shall not be available to other users.
- (c) Parking shall be managed in accordance with the Parking Strategy, which was submitted with the planning application.

**Reason:** To ensure that adequate residential and commercial parking facilities are permanently available to serve the proposed development.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

11. A minimum of 59 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. Such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning electric vehicle charging stations/points.

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

12. A total of 1,054 bicycle parking spaces (832 long term and 222 short term) shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be in accordance with the details submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

13. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) Plans detailing traffic management measures at the Edmonstown/Scholarstown Road junction.
- (b) Plans ensuring all works integrate with upgraded cycle lane infrastructure and do not conflict with the overall Cycle South Dublin scheme.

**Reason:** In the interests of traffic safety and sustainable transportation.

14. Prior to the opening/occupation of the development, a finalised Mobility Management Plan 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, staff and users of the development. 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.

15. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Proposals in this regard shall comply with the overall principles of the surface water strategy submitted with the application and shall investigate opportunities to include additional natural SUDS features to replace/reduce the proposed extent of underground attenuation.

- (c) Full details of surface water drainage proposals, including a management and maintenance plan, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of public health and surface water management.

16. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann, to provide for service connections to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

17. All plant, including extract ventilation systems, shall be sited in a manner so as not to cause nuisance at sensitive locations due to emissions. 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. Basement ventilation shall not be positioned adjacent to apartment terraces.

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

18. (a) The site shall be landscaped in accordance with a detailed comprehensive scheme of landscaping and play facilities, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Proposals shall include additional play space in the main northern public open space, as well as proposals for additional natural and free play opportunities throughout the development.
- (c) Proposals shall include a detailed landscape plan for the Saint Catherine's Gate area of public open space on lands outside the developer's ownership. The plans shall include the consent (as relevant) from parties with a legal interest in the land, as well as a management and maintenance plan for this area.
- (d) The landscaping proposals shall be managed and maintained in accordance with the Landscape Maintenance and Management Report submitted with the application on the 3rd day of April 2023, unless as otherwise agreed in writing with the planning authority.

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

19. The developer shall implement, in full, the tree protection measures contained within the Tree Survey Planning Report and Tree Protection Plan Drawing 23014\_TPP to ensure the protection of the existing trees to be retained within the development site. Prior to the commencement of construction works on site, the appointed arborist/landscape architect shall demonstrate, for the written agreement of the planning authority, that all tree and hedgerow protection measures have been implemented in full.

**Reason:** To protect existing trees and hedgerows.

20. 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, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

21. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

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

22. The construction of the development shall be managed in accordance with a Construction Environmental 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, with measures to reflect mitigation, described in the submitted Ecological Impact Assessment, in addition to the following:
- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) the location of access points to the site for any construction related activities;
  - (c) the location of areas for construction site offices and staff facilities;
  - (d) details of site security fencing and hoardings;
  - (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 and for the cleaning of the same;

- (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) the 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) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

23. 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 amenities of property in the vicinity.

24. (a) No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.
- (b) The windows to the proposed crèche and retail units shall not be obscured by adhesive material or otherwise, unless otherwise agreed in writing with the planning authority.

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

25. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) 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:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

26. The developer shall facilitate 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 who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún 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.

27. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, details on demolition of the existing buildings, including a full inventory of architectural features and items to be salvaged.

**Reason:** To protect and/or record architectural heritage.

28. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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.

29. (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 duplex unit), pursuant to Section 47 of the Planning and Development Act, 2000, as amended, that restricts all 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 residential 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.

30. 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 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 Coimisiún Pleanála for determination.

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

31. 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 Coimisiún 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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this *22<sup>nd</sup>* day of *September*, 2025.