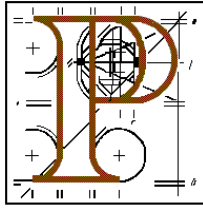

An Bord Pleanála



Inspector's Report

Development: Residential development comprising 9 no. houses and all associated site works at Sandymount Avenue, Sandymount, Dublin 4.

Planning Application

Planning Authority : Dublin City Council

Planning Authority Register Reference : 3318/15

Type of Planning Application : Permission

Applicant : Bryan Cullen

Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellant : (1) Claire Kamber & Others
(2) Ann Murphy

Type of Appeal : 3rd Party v. Grant

Observers : Mrs. Joan Murray

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 25/04/16

Appendix - Photographs

1. SITE LOCATION AND DESCRIPTION

The site is largely as described on planning appeal file PL29S.231911 and is as follows:

The site, which has a stated area of 0.3684 hectares, is located in close proximity to, and southwest of, Sandymount Village on the south east side of Dublin City. The surrounding area comprises a mix of residential and commercial uses. Sandymount Village is characterised by mainly 2-storey Victorian buildings located around Sandymount Green, which is bounded by Gilford Road, Sandymount Green and Newgrove Avenue.

The site is bounded to the west and north by the grounds of the Enable Ireland Health Clinic and workshops with a four storey apartment building noted to the north-west of same. 2-storey dwelling houses which are accessed off Gilford Road and Sandymount Avenue bound the site to the east whilst the south of Sandymount Avenue is also characterised by 2-storey houses.

The site comprises a vacant and overgrown plot which was formerly part of the Enable Ireland lands. The existing site boundaries are defined by a high concrete wall to the south along the roadside boundary with Sandymount Avenue and a low redbrick wall with railings to the north and west along the boundary with Enable Ireland. The existing 2-storey houses along Sandymount Avenue and Gilford Road which back onto the site have long rear gardens.

On-street pay and display parking is available at various points along Sandymount Avenue with a Dublin Bus stop noted at the site frontage.

2. PROPOSED DEVELOPMENT

The application was lodged with the PA on the **27/07/15** with further plans and details received **01/12/15** following a further information request dated 17/09/15

The proposal entails the construction of 8 no. three storey and 1 no. two storey (2 no detached and 7 in terraced format) dwellings in a linear north-south arrangement on the site. The 7 no. terraced dwellings will face in an easterly direction with the detached dwelling in proximity to the entrance having a southerly orientation and that to the north (2 storey unit) facing west. The scheme is to be served by an open space with a stated area of 736 sq.m. One access is proposed from Sandymount Avenue.

The highest ridge height on site will be 11.658 metres. The external finishes are to be a mix of render and brick. End of terrace units (A2 & A3) are to have a first floor terrace feature.

A 105m³ underground storage to provide for a 1 in 100 year storm event is to be installed in the open space area. The ground floor level has been set at approx. 1.657m above the top water level in the proposed attenuation tank ie. 3.10m OD. This provide a freeboard in excess of 0.5 m.

The application is accompanied by:

- Planning Report
- Urban Design Statement
- Engineering Services Report
- Site Specific Flood Risk Assessment (subsequently revised by way of FI)

Note: Objections to the proposal received by the PA have been forwarded to the Board for its information. The issues raised are comparable to those raised in the 3rd party appeals summarised in section 5 below.

3. INTERNAL REPORTS & PRESCRIBED BODIES

Engineering Department, Drainage Division in a report dated **28/08/15** recommends FI on the Flood Risk Assessment in terms of impacts of potential flooding on the site and comprehensive details of proposed mitigation measures including compensatory storage and proposed designed finished floor levels. The **2nd report** dated **17/12/15** following FI states there is no objection subject to conditions.

Roads and Traffic Planning Division Report dated **07/09/15** states there is no objection to the proposal subject to conditions including minimum driveway dimensions to be met.

The **1st Planning** Report dated **15/09/15** notes that given the scale of the site, the proposed density and the distances to adjoining residential properties the 3 storey design is acceptable in principle. A request for FI on the details as set out in the Drainage Division report summarised above is recommended. The **2nd report** dated **21/12/15** following FI recommends a grant of permission subject to conditions.

4. PLANNING AUTHORITY'S DECISION

The Planning Authority (PA) decided to grant permission for the above described development subject to 13 conditions addressing standard planning, engineering and financial contribution requirements.

5. GROUNDS OF APPEAL

2 no. 3rd Party appeals have been received which can be summarised as follows:

5.1 Claire Kamber & Others (residents 89 & 91 Sandymount Ave.)

- There is an existing entrance to the site which is safer with greater sight lines than that proposed.
- The bus stop on the road is omitted from the drawings.
- It is unclear whether the access is to be gated. If so it is queried where the gate is to be situated and whether it would cause delays to traffic on the road.
- It is queried whether the open space will be available to the public.

5.2 Ann Murphy (resident No. 82 Sandymount Ave. Submission on her behalf by John Murphy Architect)

- The design of the scheme fails to match the design rationale set out by the design architect.
- It does not respect the building line along the road
- Properties will be overlooked resulting in a reduction in their private amenity.
- The new ground level will exacerbate the overlooking.
- The 3 storey units are out of character and scale with the existing housing stock in the area.
- The size and location of the open space is inadequate. It should be in the centre of the scheme.
- Use of the said open space by the public is queried.
- Plans show the scheme to be gated
- There is little opportunity for landscaping.
- Parking provision is inadequate and will result in parking on Sandymount Avenue.
- The drawings are inaccurate and therefore preclude a proper assessment.
- There are no engineering details of the retaining wall and how the raised ground level is going to be prevented from spilling to the garden of No. 80 given the ground level difference of over 1 metre.

Each 3rd Party appeal was circulated to the other 3rd Party for comment. A response from Claire Kamber & Others was received. They concur with the contents of the other appeal. However it is considered that the proposed 'possible alternative site plan' ignores the entrance/exit problem highlighted in their submission and that the ESB substation sticks out like a sore thumb. Using the existing entrance/exit, moving houses 1/2/3 and small re-arrangement of the open space might achieve a satisfactory compromise for all parties.

This subsequent response was circulated to the other parties to the appeal for comment by way of Section 131. A response to same was received by McGill Planning which is duly incorporated in Section 6 below.

6.0 APPLICANT'S RESPONSE TO GROUNDS OF APPEAL

The submissions by McGill Planning on behalf of the applicant can be summarised as follows:

6.1 Access and Parking

- There is an extant permission (2771/08) for a large development on the site which would have a greater traffic impact. The Traffic and Transport Assessment that accompanied that application concluded that the impact on the surrounding road network would be negligible.
- The Transportation Department did not raise any concerns regarding the proposed access.
- The sightlines of 49 metres accords with the DMURS standards.
- Relocation of the bus stop can be achieved at post planning stage.
- Parking provision is in accordance with Development Plan requirements.
- Pay and display parking is available along Sandymount Avenue.

6.2 Design and Layout

- The infill site denotes the transition between predominately residential 2 storey traditional houses to the east and south and the mixed educational/recreational/commercial uses to the west.
- Lands to the north of Sandymount Avenue do not strictly conform to an established building line.
- The increased building height particularly along the western boundary is acceptable given the established height of the 4 storey Willows Apartment Complex and the Enable Irelands lands.

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- Block A permitted on the site under ref. PL29S.231911 (approx. location of house nos. 1-8) is stated as 11.5 metres high. Houses 2-5 are 11.6 metres high.
 - The separation distance between the rear of House Nos 1 - 6 and Enable Ireland lands is in excess of 20 metres.
 - Separation distances in excess of 22 metres are provided to the front (east) of the proposed houses.
 - There are reception rooms at 1st floor level
 - The provision of a serpentine access road separating the proposed dwellings from Nos. 80-82 and location and orientation of units on site will provide an attractive layout for existing and future residents.
 - The generous separation distance between units and extensive planting on the eastern site perimeter will protect the privacy and enhance the amenity for all residents.
 - The scheme will not be gated.
 - Given the layout and distance from adjoining properties the increase in ground levels to mitigate flood risk is acceptable and will not detract from neighbouring properties.
 - The alternative layout put forward in the appeal submission is not considered reasonable in terms of both the resultant location of the open space and proliferation of vehicular accesses onto Sandymount Avenue

6.3 Open Space Provision

- The open space will be accessible by the public.
- Given the existing context and streetscape and the planning gain in having the public open space located so as to provide optimum accessibility the proposed layout is acceptable.
- The public open space accords with the standards set out for zone Z12. It will be overlooked both by House No.1 and the public along Sandymount Avenue.
- The open space serves an important function in terms of surface water and will serve as an attenuation area during a potential extreme flooding event.
- The private open space provision complies with development plan requirements.

6.4 Accuracy of Drawings

- The footprint of No.82 was based on the OS Map 2013.
- All drawings are based on relevant datum available at the time the drawings were prepared.
- The contextual elevations show the levels of each of the houses in relation to the overall site.

7.0 3rd PARTY RESPONSES TO APPLICANT'S SUBMISSION

The submission by McGill Planning Ltd. in response to the grounds of appeal was circulated to the other parties for comment. A response from Claire Kamber & Others was received which can be summarised as follows:

- It was not their intention to claim that the position of the proposed entrance would not meet minimum sightline standards. In view of the busy urban road which experiences waves of 'bunched' traffic arising from the DART rail crossing it is queried why an entrance with reduced sightlines is preferable. The proposed entrance will be rendered blind by the ESB substation.
- The only relocation option for the bus stop to the west of the Enable Ireland entrance would further reduce sightlines to the west and would place it less than 100 metres from an existing stop.
- The open space will provide a location for anti-social behaviour. The maintenance of the space is queried.

8.0 PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL

The PA has no further comment to make.

9.0 OBSERVATIONS

An observation has been received from Joan Murray (Resident of No. 80 Sandymount Road with submission by JM Molloy on her behalf). The submission can be summarised as follows:

- The proposal will result in overlooking of her property.
- The permission does not require a retaining wall despite the site level differentials
- There is no condition requiring appropriate planting to ensure no nuisance to adjoining property.
- Construction will generate significant noise and dust. The developer should be required to draw up a construction management plan.
- The open space is inappropriately located.

10.0 RELEVANT PLANNING HISTORY

PL29S.231911 (2771/08) – permission granted for office/medical scheme comprising of 5 blocks arranged in 1-3 storeys over basement parking. An extension of duration of permission was granted until 22/07/19.

PL29S.217800 (6249/05) - permission refused for 44 dwellings and ancillary works on the basis that its height, bulk and form would contribute to overlooking and overshadowing of neighbouring dwellings to the east of the site.

PL29S.214350 (2297/05) – permission granted for 25 dwellings on the site (reduced from 46 units). The application was withdrawn.

11.0 DEVELOPMENT PLAN PROVISIONS

The **Dublin City Development Plan 2011 – 2017** refers.

The main body of the site is within an area zoned Z12 Institutional Land (Future Development Potential) the objective for which is to ensure the existing environmental amenities are protected in the predominately residential future use of these lands. Any proposal on such lands requires a minimum of 20% of the site to be retained as accessible public open space.

The north-eastern portion of the site is zoned Z1 the objective for which is to protect, provide and improve residential amenities.

Residential is permitted in both zones.

12.0 ISSUES AND ASSESSMENT

I consider that the issues arising in this case can be assessed under the following headings:

- Principle of Development and Density Proposed
- Layout and Design
- Access and Traffic
- Site Services
- Miscellaneous Issues
- AA - Screening

12.1 Principle of Development and Density Proposed

As per the current Dublin City Development Plan the site straddles two zones. The main body of the site is within an area zoned Z12 Institutional Land (Future Development Potential), the objective for which is to ensure the existing environmental amenities are protected in any future predominately residential use of these lands whilst the north-eastern portion of the site is zoned Z1 the objective for which is to protect, provide and improve residential amenities. In both zones residential development is acceptable in principle.

The site which originally formed part of the Enable Ireland complex is somewhat irregular in shape and by reason of the existing pattern of development in the vicinity can reasonably be seen to constitute an infill site. The proposal for nine dwellings on a site with a stated area of 0.3684 equates to a density of in the region of 24 units per hectare. In such an inner suburban site in close proximity to quality public transport (Sandymount Dart Station c. 380 metres to south-west) such a density would be considered to be relatively low. However as per the relevant Guidelines for Sustainable Residential Development due cognisance must be taken of the site constraints, the pattern of development in the vicinity and the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining dwellings and the need to provide for additional residential development. I propose to address such matters in the following sections.

12.2 Layout and Design

The surrounding area is characterised by a varied pattern of development comprising a mix of 2-storey houses of various ages, some of which are located within Conservation Areas and more contemporary buildings on the adjoining site to the west at Enable Ireland, which in turn comprises a mix of office, educational and recreational buildings. A four storey apartment block immediately adjoins the said institutional lands to the north-west.

Whilst a building line is evident to the south of Sandymount Avenue, one is not as apparent to the north due to the set back of the buildings on the Enable Ireland site and the proximity of the site to the junction with Gilford Road with the resultant layout of the dwellings. In this context, therefore, I would not subscribe to the view that the incorporation of a building line along Sandymount Avenue into the proposal is imperative.

I would suggest that the proposed layout and position of the access eastwards of its existing location is largely dictated by the need to ensure a maximum separation between the dwellings and the residential properties that back onto the site to the east. The layout is largely linear in arrangement with the majority of the dwellings having an east –west orientation. Of particular issue in this regard is the separation to be maintained between dwellings nos. 2-6 and Nos. 80-86 Sandymount Avenue and Nutgrove House. As noted a minimum of 22 metres is to be maintained between House No.2 and No. 80 Sandymount Avenue with significantly greater distances secured in all other instances. I also note that the three storey terraced units (nos 2 to 8) are to maintain rear garden lengths of between 8.388 and 13.285 sq.m backing onto the Enable Ireland site. The private open space provision in each instance meets the 60-70 sq.m. recommended in the current Development Plan.

I note the concerns regarding the fact that 1st floor living rooms are proposed in a number of the terraced dwellings (House Type A & A3 House plots 3, 4 & 5). It is regrettable that the developer did not seek to secure an internal arrangement comparable to that proposed for House Type B where the said 1st floor living room is at the back with views onto the Enable Ireland grounds however in view of the separation to be maintained between opposing windows the arrangement is acceptable. Terraces are proposed at 1st floor level to the side of House Nos.2 and 5. In terms of the former I would submit that the installation of an opaque screen of appropriate height around the three sides of the terrace (rather than just to one side as detailed on Drawing No. PL05 and the 3D perspective) so as to prevent overlooking of adjoining property, notably No.80 Sandymount Avenue, is appropriate.

I would suggest that the positioning of the three storey units along the western boundary allows for a graduation in heights along the Road rising from the two storey units to the east and south to the institutional/educational buildings and four storey apartment block to the west and north-west. The fact that the site is to have a ground level that will up to a metre higher than that of the properties to the east arising from the potential flood risk mitigation is duly noted in the relevant Context Elevations and Sections and this, in itself, does not render the proposal unacceptable. The proposed building level is 3.10mOD and the dwellings on

Sandymount Avenue have floor levels in the region of 2.2 to 2.5mOD. Appropriate boundary treatment in terms of erection of a wall rather than the timber hit and fence fencing as proposed, backed with tree planting along the eastern site boundary would address concerns regarding the differential in ground levels and will also assist in the screening of the appeal site.

The location of the public open space along the southern boundary onto Sandymount Road is considered to be appropriate in terms of size and location. With House No.1 fronting directing onto same and the passive surveillance available from other houses on Sandymount Avenue and passing pedestrians/vehicles the concerns in terms of potential for anti-social behaviour are no greater than would arise in any other location.

12.3 Access and Traffic

As noted above the positioning of the entrance is most likely so as to facilitate a layout whereby the maximum separation is maintained between the proposed dwellings and the properties bounding the site to the east. Whilst the sightlines available from same may be less than those available at the current entrance position I submit that at 49 metres, they meet the provisions of DMURS as set out in Table 4.2 and are sufficient in such a suburban location where the 50kph speed limit prevails. Certainly the vehicular movements that would be generated by the 9 dwellings would be materially less than that which would arise from the permitted commercial scheme under ref. PL29S.231911 (2771/08).

1 no. parking space per dwelling is provided with three further visitor parking spaces provided in accordance with current Development Plan provisions. I note the site's proximity to quality public transport (Sandymount DART Station) and availability of pay and display parking along Sandymount Avenue.

I note that the plans accompanying the application are somewhat confusing in that drawing no. PL14 clearly shows a gated complex with parties to the appeal raising concerns regarding delays along the road arising from vehicles entering the scheme waiting for gates to open. As confirmed by the agent for the applicant the scheme will not be gated. I recommend that a condition stipulating same be attached in the interests of clarity.

I note the Dublin Bus stop along the site frontage which will have to be removed to facilitate the proposed access arrangement. I consider that this can be resolved between the bus operator and the developer post consent.

In conclusion I consider that the proposed development would not give rise to a traffic hazard and I note that the Transportation Department had no objection to the proposal subject to conditions.

12.4 Site Services

The application is accompanied by a Site Specific Flood Risk Assessment which was supplemented by way of further information. As noted the site is within Flood Zone category B as defined by the SFRA Guidelines. I note the justification for the proposed development set out in section 5 of the Assessment as required by the Guidelines and I consider the conclusions of same to be reasonable.

Finished floor levels are to be higher than those existing on Sandymount Avenue with surface water attenuation to be provided in the proposed open space. Sufficient detail is provided to support the assertion that adjacent properties would not be impacted by the development for up to the 1% AEP flood event. During normal operations of the surface water drainage system, the peak surface water from the proposed site is approx. 90% less than the existing brownfield site unattenuated peak runoff. Therefore the likelihood and risk of flooding of adjacent properties by the proposed development is significantly reduced. If storms exceeding a 1% AEP occur whilst the development's drainage system would have insufficient capacity to accommodate all of the rainfall overland flow would occur towards the public open space to the south.

12.5 Miscellaneous Issues

I consider that the details and drawings that accompany the application are sufficient to allow for a proper assessment of the proposal. I acknowledge that there is a discrepancy in the plans as to whether or not the scheme is to be gated. The agent for the applicant has clarified that the scheme is not to be gated. As noted above a condition clarifying this fact is recommended should permission be granted.

Whilst construction works can give rise to issues with regard to noise, dust etc. such works are by their nature temporary in duration. A condition requiring the preparation of a construction management plan as suggested by the observer to the appeal is considered appropriate in this regard.

12.6 AA - Screening

Having regard to the location of the fully serviced infill site in proximity to Sandymount Village surrounded by existing residential and institutional uses no Appropriate Assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

13.0 CONCLUSIONS AND RECOMMENDATION

In conclusion I submit that subject to certain amendments the proposed development, in terms of design and layout is appropriate for the infill site and would not have an adverse impact on the amenities of adjoining property in terms of overlooking or loss of privacy. The proposed access can provide for acceptable sightlines and would not give rise to a traffic hazard. Therefore having regard to the documentation on file, the grounds of appeal, the responses thereto, a site inspection and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Development Plan for the area and the nature, form, scale and design of the proposed residential development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not give rise to a traffic hazard or endanger the safety of other road users. 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, as amended by the further plans and particulars submitted on the 1st day of December, 2015, 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.

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2. The development shall not be gated. Revised plans and details delineating the necessary alterations to the roadside boundary shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of clarity and residential amenity

3. An opaque screen of not less than 1.8 metres high shall be erected on the western, southern and eastern elevations of the 1st floor terrace to the side of House No. 2.

Reason: In the interest of residential amenity

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

Reason: In the interest of visual amenity.

5. All screen walls shall be 2 metres in height above ground level and shall be finished in a material to match the external finishes of the adjoining dwellings.

Reason: In the interests of residential and visual amenity.

6. A 2 metre high wall shall be erected along the eastern site boundary and shall be constructed in concrete block and shall be capped and rendered in a finish that matches the external finish of the dwellings.

Reason: In the interests of residential and visual amenity.

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 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

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8. The area of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

9. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the eastern boundary, consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

10. Water supply and 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.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television cables) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

12. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

13. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

14. 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/demolition waste.

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

15. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November, 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

16. The management and maintenance of the proposed 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 taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development

17. 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 social and affordable housing in accordance with the requirements of section 96 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 97(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 for the area.

18. 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 Bord Pleanála for determination.

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

19. 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 the 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

Pauline Fitzpatrick
Inspectorate

April, 2016